

Item-
4. 23-06-2025

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Ct. 8

MAT 212 of 2025
CAN 1 of 2025
CAN 2 of 2025

Sanjib Maiti
Vs.
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Ms. Indrani Roy
...for the appellant
Mrs. Koyeli Bhattacharyya
Mr. Bibek Datta
...for the W.B.B.S.E.
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC
Mr. Bhaskar Prasad Vaisya, Id. AGP
Mr. Suman Dey
...for the State

In Re: CAN 1 of 2025

1. The affidavit of service filed in Court is taken on record.
2. This is an application for condonation of delay. There is a delay of 516 days in filing the memorandum of appeal.
3. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the period of limitation and accordingly, we allow the application by condoning the delay of 516 days in presenting the memorandum of appeal.
4. CAN 1 of 2025 is accordingly, disposed of.

In Re: MAT 212 of 2025 with CAN 2 of 2025

5. The appeal is arising out of an order dated 16th August, 2023 passed by the learned Single Judge in a writ petition in which the appellant/writ has challenged the order of

rejection of his application for general transfer.

6. The writ petition was dismissed on the ground that the petitioner is a single teacher and the Utsashree Portal through which such application for transfer was to be processed under suspension. However, the grounds on which such writ petition was dismissed were held to be untenable in view of several decisions including *MAT 64 of 2025 (Piya Goswami vs. The State of West Bengal & Ors.)* decided on 19th May, 2025 and *MAT 1218 of 2024 (Gokul Chandra Mallick vs. The State of West Bengal & Ors.)*. The learned Counsel for the respondents are not disputed that the principles laid down in aforesaid judgments of coordinate Bench are also applicable in the instant case.
7. The appellant being a single teacher in Mathematics in the instant case, has filed two applications for transfer, last of which was filed on December, 2021. Considering the fact that the welfare of the students are also required to be considered who are likely to suffer in the event a single teacher is transferred without the post being filled up even on temporary basis.
8. Accordingly, we direct the District Inspector of Schools (S.E.), Purulia, to act strictly in terms of the notification dated 3rd January, 2022. The entire process of transfer including filling up of the resultant vacancies that may occur after the petitioner is transferred to be completed positively within February 2026. The impugned order is set aside with the aforesaid direction.

9. The appeal and the application are disposed of with the aforesaid direction.
10. Urgent Photostat certified copy of this judgment, if applied for, be submitted to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)