

W.P.A. 5189 of 2025

**Barnali Roy
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

...for the Petitioner

Ms. Sormi Dutta

...for the State

Mr. Sunit Kumar Roy

...for W.B.C.S.S.C

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

...for W.B.B.S.E

Ms. Susmita Mondal

...for School Authority

Affidavit-of-service filed on behalf of the petitioner in terms of the order dated 12th March, 2025 is taken on record.

Petitioner applied for transfer on special ground since there was dissolution of marriage of petitioner *vide* divorce decree dated 8th August, 2023. Petitioner made an offline application in prescribed format on 17th February, 2025 seeking transfer on special ground in terms of Rule 4(c) of the Government notification dated 8th September, 2021 since petitioner is facing difficulty in attending the school after her divorce.

The grievance of the petitioner is in spite of making offline application in prescribed format on 17th February, 2025 till date authority of Kurhmun High School, Purba Bardhaman being respondent no.5 is not issuing 'No Objection' certificate in her favour as a result

whereof District Inspector of Schools (S.E.), Purba Bardhaman being respondent no.4 till date could not process the transfer application.

Aforesaid school authority is represented by learned advocate who has placed before this Court a Managing Committee resolution dated 12th March, 2025 and same is taken on record.

From the resolution dated 12th march, 2025, it appears that previously said school authority permitted the petitioner to take transfer *vide* Managing Committee resolution dated 8th February, 2020 based on transfer application made by the petitioner as per rules which was in vogue at the relevant point of time. However, it is also submitted that petitioner is the only teacher in Education in higher secondary section and in the event petitioner is transferred students in higher secondary section will suffer.

Other respondents are represented by learned advocates.

In consideration of submissions made on behalf of the parties, it appears that petitioner has applied for transfer in prescribed format on 17th February, 2025 after divorce decree was passed on 8th August, 2023. Therefore, transfer application of the petitioner is required to be treated as an application under Rule 4(c)

of the Government notification dated 8th September, 2021 which is a special ground. Therefore, even if petitioner is found to be a single teacher in the relevant subject in higher secondary section, respondent authorities are required to take decision on transfer application of the petitioner in terms of relevant transfer rules.

Headmaster of the aforesaid school authority being respondent no.5 is directed to issue 'No Objection' certificate in favour of the petitioner and forward the transfer application to respondent no.4 by seven (7) days from the date of communication of this order. On receipt of transfer application respondent no.4 shall process the same and forward it to the Chairman, West Bengal Central School Service Commission being respondent no.3 by seven (7) days thereafter. On receipt of transfer application respondent no.3 shall decide the same, in accordance with law, by four (4) weeks thereafter. Decision to be taken by respondent no.3 shall be communicated to the petitioner by ten (10) days thereafter.

With the above directions, writ petition stands disposed of.

Since petitioner is a single teacher in Education in higher secondary section of the aforesaid school, West Bengal Central School Service Commission and State authorities are directed to fill-up the resultant vacancy if

petitioner is transferred to other school, in accordance with law.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)