

Item-
9. 16-06-2025

FMA 880 of 2025
CAN 1 of 2025

sg

Ct. 8

Sunirmal Mandal
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
...for the appellant
Mr. Sunit Kr. Roy
...for the SSC
Mr. Biswabrata Basu Mallick, Id AGP
Ms. Parna Roy Choudhury
...for the State

1. The appellant is a single teacher in the school in Geography (Social Science Group) and initially made an application for transfer on general ground on 19th February, 2022. The said application was returned by the District Inspector of School (S.E.), Bankura on 8th March, 2022 to the school authority since it was found that notification dated 3rd January, 2022 being no. 10-SE was applicable considering the number of teachers available in the school that was five or less than five.
2. This decision was not challenged by the writ petitioner. Subsequently, the writ petitioner made an application on 17th March, 2022 on medial ground which, however, was withdrawn on 6th April, 2022 as it was realized that the disease indicated in the transfer application was not the specified disease in terms of the relevant transfer rules.
3. This time, the writ petition was filed by revival of the previous transfer application dated 19th January, 2022 i.e. transfer on general ground.

4. The learned Single Judge was of the view that since the earlier order of rejection dated 8th March, 2022 was accepted by the writ petitioner, the said application could not be revived.
5. We agree with the said finding of the learned Single Judge. However, the order will not prevent the writ petitioner to make a separate application seeking transfer in accordance with the notification dated 3rd January, 2022.
6. In the event such application is filed, in deciding the said matter, the District Inspector of Schools (S.E.), Bankura shall take into consideration that if he is able to establish his claim, merely because he is a single teacher could not be a ground for denying such relief as the coordinate Bench have clearly held that absence of willing teacher should not be a ground for denying such relief.
7. In the event such representation is made, we request the District Inspector of Schools (S.E.) concerned, to consider and dispose of such representation filed in terms of the notification dated 3rd January, 2022, within a period of four weeks from the date of receipt of the said application from the school authority.
8. With the aforesaid directions, the appeal and the application are, accordingly, disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)