

02.07.2025
SI No.14
Court No.8
(gc)

**FMA 524 of 2024
CAN 1 of 2024**

**Asit Paul
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal
...for the Appellant.
Mr. Sourav Mitra
...for the C.S.S.C.

Soumen Sen, J. (Oral):

1. In view of our decision in **Shyama Prasad Roy Vs. The State of West Bengal & Ors. (MAT 488 of 2025 with CAN 2 of 2025) dated 9th June, 2025** and the decision of the Coordinate Bench presided over by Justice Harish Tandon, now the Chief Justice of the High Court of Orissa in **Gokul Chandra Mallick Vs. The State of West Bengal & Ors. (MAT 1218 of 2024 with CAN 1 of 2024) dated 8th August, 2024**, the decision not to transfer a teacher only on the ground that unless local arrangement for the single subject teacher could be found such teacher cannot be transferred, is no more a valid ground and accordingly the appeal succeeds.
2. The application for transfer initially made on 14th August, 2021 and subsequently on 2nd July, 2022 is required to be allowed by the

D.I. of Schools (S.E.), Purba Bardhaman in terms of the notification dated 3rd January, 2022 positively within a period of six months from date.

3. The respondents shall find a teacher to fill up the resultant vacancy which is likely to be created after transfer of the writ petitioner/appellant.
4. The impugned order is set aside.
5. Accordingly, the appeal and the application are allowed and disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)