

07.07.2025  
SI No.4  
Court No.8  
(gc)

**FMA 536 of 2025  
CAN 1 of 2025**

**Lopamudra Santra  
Vs.  
The State of West Bengal & Ors.**

Mr. Dibyendu Chatterjee,  
Ms. Reshmi Ghosh,  
Mr. Rahul Deb Goenka,  
Mr. Mainak Singha Barma,  
Ms. Satabdi Das

...for the Appellant.

Mr. Biswabrata Basu Mallick, A.G.P.,  
Mr. Tamal Taru Panda

...for the State.

Mr. Sunit Kr. Roy

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

Mrs. Koyeli Bhattacharyya,  
Mr. Bibek Dutta,

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

**Soumen Sen, J. (Oral):**

1. The appeal is arising out of an order dated 14<sup>th</sup> February, 2025 in a writ petition challenging the transfer order dated 20<sup>th</sup> January, 2025 issued by the Secretary, West Bengal Board of Secondary Education whereby the petitioner being the Headmistress of Serampore R.C. Girls High School, Hooghly has been transferred to Telenipara Bhadreswar Girls High School, Hooghly.
2. The principle challenge to the said transfer is based on an communication from the West

Bengal Board of Secondary Education dated 20<sup>th</sup> January, 2025 in which the Secretary, West Bengal Board of Secondary Education has justified the transfer on the ground of rationalization of subject teachers in terms of Notification No.216/SE/S/10M-09/2023 dated 10<sup>th</sup> February, 2023. During the hearing of this appeal, we directed the State to disclose the guidelines for transfer of an employee on administrative ground under Section 10C of the West Bengal School Service Commission Act, 1997 as amended from time to time. The said guidelines are disclosed in the affidavit-in-opposition filed on behalf of the respondent no.3.

3. The writ petitioner/appellant has filed affidavit-in-reply in which she has disclosed a communication from the Government of West Bengal School Education Department, Secondary Branch dated 11<sup>th</sup> April, 2025 to demonstrate that recommendation for transfer in terms of Notification No.216/SE/S/10M-09/2023 dated 10<sup>th</sup> February, 2023 towards rationalization of teachers working in recognized non-Government aided/sponsored Upper Primary/Secondary/Higher Secondary Schools have been withdrawn. It is the contention of the writ petitioner/appellant that since the ground

for transfer was based on rationalization and the Notification dated 11<sup>th</sup> April, 2025 has recalled such recommendations, there cannot be any justification for the respondents not to withdraw the said transfer order on the ground of rationalization.

4. It appears that the writ petitioner was recommended for transfer in the interest of education on 16<sup>th</sup> January, 2025 in terms of Section 10C of the West Bengal School Service Commission (Amendment) Act, 2017. Thereafter on 17<sup>th</sup> January, 2025, the West Bengal Central School Service Commission in compliance of the aforesaid direction recommended the writ petitioner for transfer in the interest of education in terms of Section 10C of the West Bengal School Service Commission (Amendment) Act, 2017. It is strenuously argued on behalf of the writ petitioner that she was the Headmistress of the school and the question of rationalization of a Headmistress cannot arise. It is restricted to the Assistant Teachers and the teaching staff. However, it appears from the Notification dated 12<sup>th</sup> March, 2018 that was in exercise of the power conferred under Section 10C of the West Bengal School Service Commission Act, 1997 that the recommendation for placing the service of any teacher includes a

Headmaster/Headmistress and other teaching and non-teaching staff mentioned in paragraph 1 of the said notification. Moreover, the said notification dated 20<sup>th</sup> January, 2025 cannot be read in isolation. It has to be read in conjunction with the preceding communications, namely, the notifications dated 16<sup>th</sup> January, 2025 and 17<sup>th</sup> January, 2025 which has clearly mentioned that the said recommendation for transfer is in the interest of education. The mentioning of the word “rationalization” in the notification dated 20<sup>th</sup> January, 2025 appears to have created the confusion. The said notification dated 20<sup>th</sup> January, 2025 cannot supersede the recommendation already precedes it and all the three notifications have to be read together and as a whole in order to appreciate the power exercised by the School Education Department, Secondary Branch for recommending the transfer of the writ petitioner in the interest of education in terms of Section 10C of the West Bengal School Service Commission (Amendment) Act, 2017. The intention to transfer the writ petitioner in the interest of education in exercise of power under Section 10C was evident from the very beginning. No *mala fide* could be attributed to such transfer.

5. Furthermore, as rightly pointed out on behalf of the Commission that in terms of Clause 7 of the Notification dated 12<sup>th</sup> March, 2018, in case of any dispute arising in the process of effecting transfer under Section 10C of the West Bengal School Service Commission Act, 1997, the matter may be referred to the Commissioner of School Education, West Bengal. It was open for the writ petitioner to make a representation to the Commissioner of School Education, West Bengal for ventilating her grievance. This provision has been bypassed in filing the writ petition. The Court should be extremely careful in interfering with an order issued in public interest or for administrative reasons as it is presumed that the employer would be in a better position to judge the suitability and requirement of its employees in the service. Moreover, the said Notification dated 12<sup>th</sup> March, 2018 has taken into consideration that the said recommendation may give rise to a dispute for which an in-house mechanism for resolving such dispute has been mentioned. We do not find any reason for not availing the said mechanism for resolving the dispute.
6. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.

7. Accordingly, the appeal and the application are dismissed.
8. However, there shall be no order as to costs.
9. 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.)**