

09.06.2025
SI No.12
Court No.8
(SKG)

**MAT 488 of 2025
CAN 2 of 2025**

**Shyama Prasad Roy
-vs-
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Ms. Indrani Roy,
Mr. Ankan Mondal,
..... for the Appellants.

Mr. Sourav Mitra Kumar Patra,
....for the CSSC.

Mr. Supriyo Chattopadhyay,A.G.P.,
Mr. Suman Dey,
.... for the State.

1. The appellant is a single teacher in the school in Physical Education. Prior to the writ petition, he made three applications for transfer dated 5th August, 2021, 3rd October, 2021 and 8th February, 2022 respectively. Since the applications were not processed despite being eligible for consideration for transfer, the appellant filed writ petition.
2. The learned Single Judge on consideration of the report dated 3rd December, 2024 filed on behalf of the District Inspector of Schools (S.E), Paschim Bardhaman disposed of the writ petition directing, inter alia, the District Inspector of Schools (S.E) Paschim Bardhaman to make further endeavour to find

out willing teacher who can be engaged in the said school in place and stead of the writ petitioner.

3. If willing teacher is found in the resultant vacancy which is to be created after transfer of the appellant, the appellant shall be transferred in accordance with law.
4. The grievance of the appellant appears to be that the purpose of a transfer is defeated and the respondent authorities cannot on the pretext of non-availability of willing teacher “indefinitely keep the said application pending”.
5. The learned Counsel for the Commission and the State have submitted that there are difficulties being faced while processing the application for a single teacher in the school and the District Inspector has no power to compel a teacher from the neighbouring place to join the transfer post.
6. However, there is nothing on record to show that endeavour was made for the last four years in finding out a willing teacher to join the said school on a temporary basis for filling up the resultant vacancy. There cannot be any doubt that the welfare and interest of the student are of paramount consideration,

however, an application for transfer cannot be kept in abeyance unreasonably for an indefinite period of time. The respondents are not contending that the petitioner is not eligible for transfer.

7. In such circumstances, we give the respondent six months' time to find out the teacher to fill up the resultant vacancy which is created after transfer of the appellant. The appellant within the aforesaid time or soon after the expiry of six months period should be transferred in accordance with law.
8. The judgment of the learned Single Judge is modified to the aforesaid extent.
9. The appeal and the applications are disposed of.
10. However, there shall be no order as to costs.
11. The urgent Photostat copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)