

27.10.2025
Item No.26
Ct. No.1
Saikat
Mukherjee

WPA(P)/146/2023

**RANAJIT SARKAR
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Biswarup Biswas, Adv.
Mr. Pradip Kumar Ghosh, Adv.
...For the Respondent No.9

Mr. Jahar Lal De, A.G.P.
Mr. Rudranil De, Adv.
...For the State Respondent

1. Heard Mr. Biswas, learned counsel appearing for the private respondent and Mr. De, learned counsel for the State respondent.
2. Heard on admission.
3. In this Public Interest Litigation (hereinafter referred to as 'PIL') the petitioner has prayed for issuance of a writ of *quo warranto* against the private respondent for working as Headmaster upon transfer. The principal contention of the petitioner is that the private respondent joined in the erstwhile school in February 5, 2020 and in January, 2021, he obtained a transfer order which is bad in law because as per Transfer Rules, 2015, the basic eligibility for transfer is to render at least five years of service in the last school. The private respondent has not rendered the five years of services and, therefore, has transferred as Headmaster, is liable to be nullified by issuing a writ of *quo warranto*.

4. Mr. De, learned counsel for the State respondent and Mr. Biswas, learned counsel for the private respondent took a common objection of maintainability by contending that writ of *quo warranto* is not maintainable when an officer is transferred. No eyebrows are raised about the eligibility, qualification of the private respondent to occupy the post in question. To nullify a transfer order, writ of *quo warranto* cannot be raised.
5. Apart from this, it is common ground that PIL in Service matter is not maintainable. The reliance is placed on the order dated 4th August, 2025, passed in WPA(P) 535 of 2022 and the order of co-ordinate Bench in MAT 469 of 2020 and connected matters decided on 17th August, 2020.
6. We have heard the learned counsels appearing for the respondents.
7. We find substance in the argument of the learned counsels for the respondents that the writ of *quo warranto* cannot be issued to disturb a transfer order or a posting which is founded upon a transfer order. Apart from this, from the transfer order itself it is evident that is passed pursuant to G.O. No.633-SL/5S-358/19 dated 16th October, 2020, and not as per the Transfer Rule of 2015. For this reason also transfer cannot be interfered with.
8. We equally find substance in their argument that transfer matter is essentially a 'Service Matter'. This Court in catena of judgments opined that PIL in Service matters is not maintainable. One such view is taken in **WPA(P) 535**

of 2022, in ***Priyanka Dubey Tiwari vs. The State of West Bengal & Ors.*** decided on 4th August, 2025.

9. For these cumulative reasons, we find no reason to entertain the PIL.
10. The admission is declined.
11. WPA(P) 146 of 2023 is, accordingly, dismissed.

[SUJOY PAUL, CJ (ACTING)]

(SMITA DAS DE, J.)