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12.06.2025
Ct.18
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W.P.A. 10383 of 2025

Rama Roy

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Debalina Chakraborty
Ms. Pritha Biswas

....for the petitioner

Mr. Pinaki Dhole
Mr. Siddhartha Ghosh

...for the State

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner made an application on general
ground (distance) on 10th August, 2021 on Utsashree
portal but same was rejected on the ground that
petitioner obtained lower rank against the schools
opted by her in transfer application.

The learned advocate representing the
petitioner submits that in Rule 6 of the West Bengal
School Service Commission (General Transfer, Transfer
On Special Grounds and Reallocation) Rules, 2015
there was a restriction that while submitting
application for transfer applicant teacher cannot apply
for transfer with option of more than three schools, the

schools which are to be considered for transfer of the petitioner.

But an amendment was made vide notification dated 8th September, 2021 and in amended Rule 6 there is no such restriction that an applicant teacher cannot apply for transfer indicating more than three schools.

In addition thereto, reliance is placed on the order of the Hon'ble Division Bench dated 8th April, 2025 passed on an intra Court appeal being *MAT 471 of 2025 (Rupam Biswas v. State of West Bengal & Ors.)*. On similar issue reliance is also placed on order dated 25th April, 2025 passed by the Hon'ble Supreme Court on Special Leave to Appeal (C) No. 11047 of 2025 (*The Chairman, West Bengal Central School Service Commission Vs. Biswajit Jana & Ors.*). While dismissing the Special Leave Petition the Hon'ble Supreme Court observed that liberty is always there with the respondent, not only as per Rule 6 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015, but in terms of the impugned order passed by the High Court, as well.

Learned advocate representing the Commission has opposed the prayer of the petitioner but it is not demonstrated before this Court in reference to

amended Rule 6 as contained in notification dated 8th September, 2021 that an applicant teacher is estopped from opting more than three schools while submitting application for transfer on general ground (distance).

Having considered the respective submissions made on behalf of the parties, this Court finds that transfer application of the petitioner was rejected on 15th November, 2021 since petitioner did not come within the zone of consideration in connection with the posts in the schools which were opted by the petitioner while submitting application for transfer.

Placing reliance on *Rupam Biswas* (supra) and order of the Hon'ble Supreme Court dated 25th April, 2025, leave is granted to the petitioner to file an application for transfer in prescribed proforma before the school authority where petitioner is presently working within fortnight from the date of communication of this order.

If such application is made in the aforesaid time, respondent no.6 shall forward the same to the concerned District Inspector of Schools (SE), Bankura being respondent no.5 by fortnight thereafter.

On receipt of same, respondent no.5 shall forward the same upon processing the transfer application of the petitioner by fortnight thereafter to the Chairman, West Bengal Central School Service

Commission being respondent no.4.

On receipt of transfer application, respondent no.4 shall decide the same in accordance with law by six weeks thereafter.

The decision to be taken by the respondent no.4 shall be communicated to the petitioner by ten days thereafter.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)