

15.09.2025  
Court No.13  
Item No. 3  
sp

**(Assigned)**

**MAT 816 of 2025**

**With**

**CAN 1 of 2025**

**Rajasekhar Basu**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Ujjal Ray,  
Mr. Abdur Rahim.

... For the Appellant.

Mr. Santanu Kr. Mitra, ld. Sr. Adv.,  
Mr. Sudip Sarkar.

... For the State.

Mr. Pinaki Dhole,  
Ms. Pranita Mandal,  
Mr. Rabindra Kumar Pathak.

... For the respondent nos.7 and 8.

Mr. Sourav Mitra.

..for the Central School Service Commission.

1. The appellant is aggrieved by an order dated 16<sup>th</sup> May, 2025 passed by a Single Bench of this Court in WPA 27943 of 2022.

2. By the said order, the refusal by the School Management Committee (SMC) to forward the petitioner's application for transfer on the grounds of distance, has not been interfered with.

3. Learned counsel for the appellant would argue that firstly, the amended Rule 6(2)(c) mandates that an application may be refused by the SMC itself when the resultant vacancy after transfer would either become zero

or the transfer would result in the ratio of teachers in the school vis-à-vis the students, disproportionate. The two scenarios not happening, the SMC should have recommended and forwarded the petitioner's application.

4. It appears that the petitioner has been working in the same school for the past 20 years. It further appears that there is another teacher, namely, Tapas Chakraborty also teaching physics in the school has applied for transfer. The petitioner's application would, therefore, be the second in line after Tapas Chakraborty.

5. Mr. Ray, learned counsel for the appellant would argue that Tapas Chakraborty since after refusal by the SMC has not further pursued his application. There is no evidence to that effect before this Court. In any event the undeniable fact here is that even if Tapas Chakraborty is not pursuing his transfer, 15 vacancies in the post of Assistant Teacher in the school is already disproportionate to the total strength of the students of the school being 2175.

6. In the above circumstances, this Court approves the finding of the Single Judge that the Rules for transfer and the right to seek transfer is subject to the interest of the students in the school and the availability of appropriate quantum of instruction.

7. In the backdrop of the above, the decisions cited by Mr. Ray, namely, ***Arpita Pradhan Vs. State of West Bengal dated 15<sup>th</sup> December, 2024*** passed in ***MAT 1828 of 2024*** and ***Prapti Chakraborty Vs. State of West Bengal & Ors.*** reported in ***2023 SCC Online Cal 2403*** are clearly distinguishable on facts.

8. In view of the above, this Court is of the view that the impugned judgment and order does not call for any interference.

9. Hence, MAT 816 of 2025 shall stand dismissed.

10. Consequently, CAN 1 of 2025 shall also stand dismissed.

11. There shall be no order as to costs.

12. Certified copy of the impugned judgment is kept with the record.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**