

**03-06-
2025**
Item No.8
Subrata

Bhattacharyy
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AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.12051 of 2025
Subhra Halder Mandal

-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaz Uddin ...for the petitioner

Mr. Rabindra Nath Pal
Ms. Paramita Pal ...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Devi ...for WBCSSC

The petitioner challenges the validity of the order dated April 25, 2025, issued by the District Inspector of Schools regarding the utilization of the petitioner’s services at Kamdebnagar Junior High School (hereinafter referred to as “the School”), in compliance with the order of the Hon’ble Division Bench of this Court, presided over by the Hon’ble Chief Justice, in WPA No. 445 of 2024.

Mr. Bari, appearing for the petitioner, submits that school was facing inconvenience in imparting education to its students as there was only one teacher. This incident was brought to the attention of the Hon’ble Division Bench in a Public Interest Litigation. The Hon’ble Bench took cognizance of the matter and directed the competent authority to take steps to transfer a teacher at the said school as an interim measure until the recruitment process is completed. The Court further noted that surplus teachers in neighbouring schools can

be accommodated in the vacant post, and directed respondent Nos. 2 and 3 to pass an appropriate order in this regard.

Mr. Bari submits that there are many other teachers in the locality, but adopting a discriminatory attitude, the petitioner, who is an Assistant Teacher of Balisai Kanya Vidyalaya, has been singled out, declared a surplus teacher, and placed in that school in contradiction of their own policy incorporated in the notification dated February 10, 2023.

Drawing attention to Clause 2 of the said notification, he submits that new entrants to the service should have been posted to schools with fewer teachers or adverse PTRs as the first priority. Teachers appointed under the physical disability category, old teachers who are due to retire within two years, and female teachers with young children are to be given the last priority for reallocation. He submits that the petitioner is a female teacher with a newborn baby. Therefore, according to him, the authority concerned acted illegally in transferring the petitioner to the said school.

Mr. Pal, learned advocate appearing for the State, vehemently opposes the contention of the petitioner. He submits that the order dated April 25, 2025, categorically noted that the transfer was made in compliance with the order of the Hon'ble Court passed on January 7, 2025. He further submits that the transfer of the petitioner to the school is an interim measure until the recruitment process is completed. However, he acknowledges that the petitioner has been treated as a surplus teacher.

In reply, Mr. Bari submits that the petitioner cannot be declared surplus as per the notification dated February 10, 2023. The petitioner has raised this grievance by making a representation before the District Inspector of Schools, but despite receipt of the representation, no decision has been taken thereon.

Having heard learned counsel for the respective parties and upon perusal of the materials on record, the writ petition is disposed of by directing the District Inspector of Schools to take a decision on the representation submitted by the petitioner, after affording an opportunity of hearing to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

As submitted by the State, the petitioner has been transferred and posted at the school as an interim measure pending completion of the recruitment process. It is hereby clarified that the petitioner's posting at the said school shall be considered temporary until the recruitment process for that school is concluded.

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

A certified copy of this order, if applied for, shall be made available to the parties.

[Partha Sarathi Chatterjee, J]

