

Form No. J(2)
Item No. DL/13
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. No.12254 of 2025

Atasi Bal

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioner : Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Ms. Pritha Biswas, Adv.
Mr. Subhodip Maitra, Adv.

For the State : Mr. Ayan Banerjee, Adv.
Mr. Kushal Biswas, Adv.

For W.B.C.S.S.C. : Mr. Sourav Mitra, Adv.

For W.B.B.S.E. : Ms. Koyeli Bhattacharyya, Adv.

Heard On : 30.06.2025

Judgment On : 30.06.2025

Saugata Bhattacharyya, J.:

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

2. Petitioner made an application for transfer on general ground (distance) on 7th July, 2022 on Utsashree portal but same was rejected on the ground that petitioner obtained lower rank against the schools opted by her in the application.

3. 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.

4. 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.

5. 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 vs. 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 also in terms of the impugned order passed by the High Court, as well.

6. 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).

7. Having considered the respective submissions made on behalf of the parties, this Court finds that transfer application of the petitioner was rejected on 28th July, 2022 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.

8. 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 *pro-forma* before the school authority, where petitioner is presently working within fortnight from date.

9. If such application is made within the aforesaid time, school authority shall forward the same to the concerned District Inspector of Schools (SE), Purba Medinipur 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 (6) weeks thereafter. The decision to be taken by the respondent no.4 shall be communicated to the petitioner by ten (10) days thereafter.

10. With the above directions, writ petition stands disposed of.

11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)