

W.P.A. 12592 of 2025

**Prabir Kumar Das
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Ms. Sudipta Pramanik

...for the petitioner

Mr. Sougata Mitra
Ms. Soma Chakraborty

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner questioned refusal of transfer application dated 23rd September, 2021 by the District Inspector of Schools (SE) Bankura being respondent no. 3 which was made on general ground (distance). On perusal of document at page 41 of the writ petition it appears after preferring application on designated portal on 23rd September, 2021 on 24th November, 2021 respondent no. 3 returned the transfer application to the authority of Maliara R.N. High School, Bankura on the ground that petitioner was found to be a single teacher in the subject.
3. It is submitted by the learned advocate representing the petitioner upon placing reliance on staff pattern of the aforesaid school dated 17th April, 2025 that apart from petitioner another teacher is working in

higher secondary section having postgraduate degree in Sanskrit who can take the classes of petitioner in the event petitioner is transferred. In this regard reliance is placed on the order passed by this Court on 27th June, 2024 passed on a writ petition being WPA 19692 of 2022 (Sabina Eyasmin vs. The State of West Bengal & Ors.).

4. State respondents are represented by learned advocate.
5. In spite of service of notice school authority is not represented. However, it is found that school authority forwarded the transfer application on 17th November, 2021 to the respondent no. 3.
6. If petitioner is a single teacher in Sanskrit in the school in that event respondent no. 3 is required to follow Government Notification dated 3rd January, 2022 while processing transfer application of the petitioner by providing alternative arrangement in the school where petitioner is working. But in the present case it appears from the staff pattern dated 17th April, 2025 that apart from petitioner one Ramkrishna Mandal having postgraduate degree in Sanskrit is working in higher secondary section; therefore petitioner ought not to be treated as single teacher in Sanskrit. In this regard reliance is placed on the order passed by this Court on 27th June, 2024 in Sabina Eyasmin (supra).

7. Hence, respondent no. 3 is directed to find out whether said Ramkrishna Mandal is still working in the school or not. If teacher in Sanskrit is working in higher secondary section petitioner ought not to be treated as single teacher in Sanskrit in the school in question. If it is found that another teacher of Sanskrit is working either in normal section or in higher secondary section transfer application of the petitioner shall be forwarded to the Chairman, West Bengal Central School Service Commission being respondent no. 5 by fortnight from the date of communication of this order. In the event transfer application is forwarded to the respondent no. 5 by respondent no. 3 same shall be decided by the respondent no. 5 by 6 (six) weeks thereafter. Decision to be taken by respondent no. 5 shall be communicated to the petitioner by fortnight thereafter.
8. It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.
9. Writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)

