

Form No. J(2)
Item No. DL / 9
ARPAN – A.R.(CT)

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

W.P.A. No.12859 of 2025

Sankhasubhra Banerjee

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioner	: Mr. Tulsi Das Maiti, Adv. Mr. Pradip Kumar Ghosh, Adv.
For the State	: Mr. Debjit Mukherjee, Adv. Ms. Susmita Chatterjee, Adv.
For D.P.S.C., Paschim Medinipur	: Mr. Ranjan Saha, Adv.
Heard On	: 26.06.2025 & 17.07.2025
Judgment On	: 17.07.2025

Saugata Bhattacharyya, J.:

1. In terms of previous order dated 26th June, 2025, report in the form of affidavit on behalf of the Chairman, District Primary School Council, Paschim Medinipur being respondent no.4, which was affirmed on 10th July, 2025, is filed and taken on record.

2. Exception in the form of affidavit to the report of the respondent no.4, which is affirmed on 15th July, 2025, is also filed and taken on record.
3. In addition thereto in terms of order dated 26th June, 2025, a supplementary affidavit on behalf of the petitioner, which is affirmed on 2nd July, 2025, is also filed and taken on record.
4. In the writ petition order dated 26th December, 2024 passed by the Sub-Inspector of Schools, Narajole-II Circle, Paschim Medinipur being respondent no.6 and the order dated 4th June, 2025 of the Secretary, District Primary School Council, Paschim Medinipur are under challenge.
5. First *vide* order dated 26th December, 2024 respondent no.6 decided that mutual local arrangement which was issued *vide* order dated 6th April, 2017, was to be withdrawn and cancelled. Subsequently, a notice was issued on 9th April, 2025 by the Chairman, D.P.S.C., Paschim Medinipur asking the petitioner to appear before him on 22nd April, 2025 for hearing and consequent thereto impugned order dated 4th June, 2025 was passed by the Secretary, D.P.S.C., Paschim Medinipur directing the petitioner to join in Kantadarja Primary School, Paschim Medinipur.
6. By filing a report such cryptic decision dated 4th June, 2025 of the Secretary, D.P.S.C., Paschim Medinipur has been attempted to be ratified based on one order dated 4th January, 2022 issued by the Joint Secretary to the Government of West Bengal, which was issued for

maintaining pupil teacher ratio in primary schools in the State of West Bengal.

7. This Court fails to appreciate as to how pupil teacher ratio in Kantadarja Primary School where petitioner has been asked to join can be improved when another teacher has been asked to join Abhirampur Primary School from Kantadarja Primary School. It appears there is transfer of one teacher from Kantadarja Primary School to Abhirampur Primary School and transfer of another teacher from Abhirampur Primary School to Kantadarja Primary School which goes to show that pupil teacher ratio in both the aforementioned schools will remain unaltered if the impugned order of the Secretary, D.P.S.C., Paschim Medinipur dated 4th June, 2025 is given effect to.
8. Moreover, it appears order dated 4th June, 2025 is devoid of reasons and there is no discussion in the said order that on what basis order dated 4th January, 2022 of the Joint Secretary to the Government of West Bengal, School Education Department applies in the present case for maintaining pupil teacher ratio. Impugned order dated 4th June, 2025 depicts non-application of mind on the part of the Secretary, D.P.S.C., Paschim Medinipur.
9. Hence, both the orders, one dated 26th December, 2024 passed by respondent no.6 and another dated 4th June, 2025 passed by the Secretary, D.P.S.C., Paschim Medinipur stand set aside.

10. However, this order shall not preclude the concerned authority of District Primary School Council, Paschim Medinipur to take decision regarding transfer of the petitioner afresh. If the concerned authority decides to take decision, such authority is required to pass a reasoned order after granting opportunity of hearing to the petitioner and other interested parties.
11. With the above directions, writ petition stands disposed of.
12. However, there shall be no order as to costs.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)