

Form No. J(2)
Item No. DL / 06
Suwendu – A.R.(CT)

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

W.P.A. NO 13585 OF 2025

HIMANI SHIT @ HIMANI SHIT BISWAS
VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Biswarup Biswas
Mr. Gora Chand Samanta
Ms. Nupur Chaudhuri

For the State : Mr. Amitava Chaudhury
Ms. Jayeta Mitra (Kaunda)

For the WBCSSC : Mr. Sunit Kumar Roy

For the School Authority : Sk. Sahjahan Ali

Heard on : 26.08.2025

Judgment on : 26.08.2025

SAUGATA BHATTACHARYYA, J.:

- 1) In the writ petition memo dated 4th March, 2025 issued by the Secretary, West Bengal Central School Service Commission (for

short, "Commission") being respondent no. 13 has been questioned since respondent no. 13 could not transfer the petitioner to one of the three schools preferred by the petitioner in her transfer application. Initially petitioner applied for transfer on Utshasree portal giving preference to three schools and petitioner was found to be a single teacher in the subject in the school where petitioner is presently working. Ultimately in connection with contempt proceeding initiated before the Hon'ble Division Bench concerned District Inspector of Schools (SE) made a local arrangement in the school of the petitioner by deputing another teacher resulting in forwarding the transfer application of the petitioner to the Commission for taking decision. It needs to be stated herein that petitioner made an application for transfer on 4th September, 2024 in terms of the order of the Hon'ble Division Bench dated 29th August, 2024 passed on intra-court appeal being MAT 1457 of 2024 preferred by the petitioner. Transfer application of the petitioner was finally considered by respondent no. 13 but petitioner could not be transferred as it appears from the impugned memo dated 4th March, 2025.

2) Learned advocate representing the petitioner submits that memo dated 4th March, 2025 issued by respondent no. 13 is not elaborate and why petitioner's transfer application could not be considered against one of the three schools preferred by the petitioner as was indicated in her transfer application was not discussed in said memo dated 4th March, 2025.

3) Learned advocate representing the Commission has made submission in order to defend memo dated 4th March, 2025 issued by respondent no. 13 and has submitted that initially petitioner preferred three schools in the transfer application which was made on Utshasree portal but subsequently when transfer application was made on 4th September, 2024 in terms of the order of the Hon'ble Division Bench dated 29th August, 2024 three different schools were preferred as a result whereof respondent no. 13 had to consider transfer of the petitioner to one of the three schools which were subsequently indicated in later transfer application.

4) On perusal of memo dated 4th March, 2025, it appears that first preferred school of the petitioner could not be considered due to poor Pupil-Teacher Ratio. So far second and third preferred schools where petitioner prayed for transfer, transfer of the petitioner could not be allowed due to pendency of transfer applications of other candidates which were made on medical ground.

5) Petitioner made transfer application on "any other ground" under the Rule 4(e) and not on the ground as stipulated under Rule 4(a) to 4(d) which prevented respondent no. 13 to apply the provision under amended Rule 6(4)(d) as contained in notification dated 8th September, 2021. Amended Rule 6(4)(d) is quoted below :-

"6.(4)(d) In case of application for transfer in the category of rule 4(a) to (d) by a teacher of a particular subject to a school which is already having sufficient or excess teacher in that subject, Central Commission shall not consider the application for transfer to opted school.

In the event when all options exercised are not found suitable, the incumbent may be considered for transfer to a school (having requirement of that subject teacher) nearby to opted school(s).”

6) Amended Rule 6(4)(d) authorizes concerned authority of the Commission to consider transfer of an applicant-teacher to a school which situates near to opted school in the event application for transfer was made under Rule 4(a) to 4(d). Indisputably in the present case petitioner applied for transfer under Rule 4(e) and not under Rule 4(a) to 4(d) as a result whereof provision under amended Rule 6(4)(d) could not be pressed into service.

7) Order of the Hon’ble Supreme Court dated 25th April, 2025 passed on Special Leave to Appeal (C) No. 11047 of 2025 (The Chairman, West Bengal Central School Service Commission Vs. Biswajit Jana & Ors.) is relied upon on behalf of the petitioner wherein it was observed by the Hon’ble Supreme Court that High Court gave one more option to the applicant teacher to apply for transfer afresh and such liberty of giving one more option to the applicant teacher by the High Court is always there in terms of the relevant Rules of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015. The Hon’ble Supreme Court did not find fault with giving more option to the applicant teacher in the matter of transfer but here in the present case petitioner preferred three schools and not more than that though petitioner had the option to apply for

transfer preferring schools beyond three. Based on such transfer application made by the petitioner respondent no. 13 completed exercise which was confined to those three schools preferred by the petitioner.

8) In view of aforesaid discussion, this Court does not find infirmity in the decision of respondent no. 13 as contained in memo dated 4th March, 2025. Hence, no relief can be granted to the petitioner.

9) Writ petition stands dismissed.

10) However, this judgment and order shall not preclude the petitioner to make application for transfer in accordance with law in future.

11) There shall be no order as to costs.

12) Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)