

ML 269
17.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16031 of 2024

**Srikanta Gayen
-versus
State of West Bengal & Ors.**

**Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal.
...For the Petitioner.**

**Ms. Koyeli Bhattacharya,
Mr. Bibek Dutta.
...For WBBSE.**

**Mr. Kanak Kiran Bandyopadhyay.
...For WBCSSC.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner seeks general transfer but the same has not been allowed on the ground that the petitioner is the single teacher on that subject.

3. Reliance has been placed on the judgment delivered by an Hon'ble Division Bench of this Court on a similar issue on August 8, 2024 in MAT No.1218 of 2024 with CAN No.1 of 2024 (Gokul Chandra Mallick – vs- The State of West Bengal & Ors.).

4. The Court was of the opinion that the notification relied upon by the authority for not disposing of the application for transfer of the petitioner casts a duty on the District Inspector of Schools to make arrangement within a time-bound manner. The Court directed the District Inspector of Schools to consider the application for transfer.

5. By a further order dated July 31, 2025 in FMA No.995 of 2025 with CAN No.1 of 2025 (Rupak

Dhua -vs- The State of West Bengal & Ors.), the Hon'ble Division Bench was pleased to observe that the claim for transfer cannot be kept in abeyance till a willing teacher is found. The Court was pleased to direct the District Inspector of Schools to take expeditious steps for filling up the resultant vacancy that might arise after the candidate's transfer is allowed.

6. Under such circumstances, the impugned rejection of the District Inspector of Schools (SE), Hooghly stands set aside. The DI is directed to reconsider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall be filled up in the manner as directed by the Hon'ble Division Bench in the matter of Rupak Dhua (supra).

7. The entire exercise shall be completed by the DI of Schools preferably within three months from the date of communication of this order.

8. All consequential steps shall be taken in accordance with law.

9. The writ petition stands disposed of.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)