

Form No. J(2)

Item No. DL / 21

RKD – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 15796 OF 2025

Koyel Mitra

-Vs-

The State of West Bengal & Ors.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

For the State : Mr. Amitabrata Roy,
Mr. Saibal Acharya,
Mr. Shibasish Banerjee

For the WBCSSC : Mr. Kanak Kiran Bandyopadhyay

Heard On : 19.08.2025

Judgment On : 19.08.2025

SAUGATA BHATTACHARYYA, J.:

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

2. In the writ petition memo dated 12th July, 2024 issued by the District Inspector of Schools (SE), South 24 Parganas being respondent no.4 is questioned since according to the petitioner effective steps have not been taken by the said respondent no.4 in order to make alternative arrangement in the school of the petitioner to facilitate petitioner's transfer.
3. Reliance is placed on the judgment of the Hon'ble Division Bench dated 8th August, 2024 passed on an intra Court appeal being MAT 1218 of 2024 (Gokul Chandra Mallick v. The State of West Bengal & Ors.).
4. State respondents and West Bengal Central School Service Commission are represented by learned advocates.
5. On perusal of the memo dated 12th July, 2024, it appears that decision has been taken by the respondent no.4 in terms of the order of another Hon'ble Division Bench dated 16th May, 2024 passed on an intra Court appeal being FMA 554 of 2024 preferred by the petitioner.
6. In the order dated 16th May, 2024 Hon'ble Division Bench directed the respondent no.4 to consider the petitioner's application for transfer afresh in the light of the observations made in the order of the Hon'ble Division Bench passed on 16th May, 2024 against the vacancies existing at the material point of time taking note of the provisions contained in circular dated 3rd January, 2022 upon

granting opportunity of hearing to the petitioner herein and the school authorities where petitioner is presently working and decision was required to be communicated to the petitioner.

7. Pursuant to such order dated 16th May, 2024 steps were taken by the respondent no.4 and decision was taken as contained in memo dated 12th July, 2024 wherefrom it appears that by memo dated 24th August, 2022 neighbouring schools were requested to inform the teacher who could be deputed in place of the petitioner after petitioner's transfer as petitioner was found to be single teacher.
8. Respondent no.4 also directed for issuance of reminder letter to the neighbouring schools which situate around the present school of the petitioner for making alternative arrangement in the school of the petitioner in terms of Government notification dated 3rd January, 2022.
9. Judgment delivered in *Gokul Chandra Mallick* (supra) pertains to special situation where it was found by the Hon'ble Division Bench that State authority tried to take shelter under letter dated 24th May, 2022 in order to project that steps were taken but the Hon'ble Division Bench did find that tenet of the letter dated 24th May, 2022 did not instill confidence and it was not in sync with the spirit and tune of the Government notification dated 3rd January, 2022.
10. It was also observed in paragraph 13 of *Gokul Chandra Mallick* (supra) that application for transfer was lying in the bucket of the

officials and no steps were taken in terms of Government notification dated 3rd January, 2022 based on which in paragraph 14 concerned District Inspector of Schools (SE) was directed to consider the application for transfer strictly in terms of the rules.

11. Here in the present case, it is found from memo dated 12th July, 2024 respondent no.4 took steps in terms of Government notification dated 3rd January, 2022 in search of finding a teacher of neighbouring school who can man the post of petitioner after her transfer.
12. However, memo dated 24th August, 2022 was issued prior to the order passed by the Hon'ble Division Bench on 16th May, 2024. Therefore, the respondent no.4 is required to take further steps in terms of Government notification dated 3rd January, 2022.
13. Respondent no.4 is directed to issue fresh memorandum requesting all the neighbouring schools situate around the present school of the petitioner and to find out a teacher who can be deputed on the post of the petitioner in case of petitioner's transfer.
14. Such exercise shall be completed by the respondent no.4 by four weeks from the date of communication of this order.
15. In the event, teacher is found from neighbouring school immediately steps shall be taken for transfer of the petitioner in terms of Government notification dated 3rd January, 2022.

16. With the aforesaid observations and directions, the writ petition stands disposed of.
17. However, there shall be no order as to costs.
18. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)