

Form No. J(2)
Item No. DL / 23
Suwendu – A.R.(CT)

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

W.P.A. NO 15799 OF 2025

MANIK TUDU

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Shuvro Prokash Lahiri Mr. Rajesh Naskar Mr. Ankan Mondal
For the State	: Mr. Bhaskar Prasad Vaisya, Ld. AGP Mr. Nilay Baran Mondal
For the WBCSSC	: Mr. Sunit Kumar Roy
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) Petitioner made an application for transfer on Utsashree portal on 21st April, 2022 on the ground of distance in between present school of the petitioner and his place of residence. It is submitted that transfer application of the petitioner was forwarded by the concerned school authority on 5th May 2022 to the District Inspector of Schools (SE), North 24 Parganas. The District Inspector of Schools in his turn processed the transfer application and forwarded the same to West Bengal Central School Service Commission (for short, “Commission”) for taking decision. Grievance of the petitioner is till date transfer application has not been decided by the concerned authority of the Commission.

3) State respondents and the Commission are represented by learned advocates.

4) It is submitted on behalf of the Commission that since petitioner previously refused to join the recommended post on mutual transfer, decision on transfer application dated 21st April, 2022 has not been taken.

5) It is true that under amended Rule 3 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as “said Rules of 2015”) if applicant-teacher refuses to join preferred school after due recommendation by the Commission such applicant-teacher shall not be allowed to submit application before expiry of seven years from aforesaid refusal. Such amendment was made vide notification dated 8th September, 2021 amending the said Rules of

2015. However, said Rules of 2015 does not govern mutual transfer and mutual transfer applications are processed and decided in terms of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012.

6) It appears that there are two separate Rules, one is the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 and another is said Rules of 2015 which operate in different fields.

7) On previous occasion petitioner refused to join the recommended post which was in connection with petitioner's mutual transfer application. In the present case, petitioner prays for direction for consideration of his transfer application which was made on portal in terms of the relevant provisions of said Rules of 2015 and previously under said Rules of 2015 petitioner was not recommended for transfer.

8) In view of aforesaid situation, concerned District Inspector of Schools (SE) rightly forwarded transfer application of the petitioner on 27th May, 2022 to the Commission for taking decision.

9) Hence, Chairman of the Commission being respondent no. 4 is directed to decide transfer application of the petitioner in accordance with law and taking note of the observations alluded above by four weeks from date of communication of order. Decision to be taken by respondent no. 4 shall be communicated to the petitioner by ten days thereafter.

10) Writ petition stands disposed of.

- 11) However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.
- 12) There shall be no order as to costs.
- 13) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)