

**03.09.2025**  
Court No. 18  
Item No.20  
(Suvendu)

**WPA 17709 of 2025**

Sankar Barman  
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri  
Mr. Rajesh Naskar  
Mr. Ankan Mondal  
.....for the petitioner

Mr. Julfikar Ali  
.....for the State

Mr. Sunit Kumar Roy  
.....for the WBCSSC

Mr. Anindya Bose  
Mr. Mridul Biswas  
Ms. Debrani Mondal  
....for the respondent nos. 6 & 7

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Leave is granted to the petitioner to amend the cause-title of the writ petition and add Secretary, West Bengal Central School Service Commission as additional respondent in course of this day. However, service of notice upon additional respondent is dispensed with since West Bengal Central School Service Commission is represented by learned advocate.
3. Petitioner being Group -D staff of Danichak Sangathani High School (HS), Paschim Medinipur (hereinafter referred to as "said school") applied

for transfer on portal on 16<sup>th</sup> September, 2022. Transfer application was forwarded by said school authority to the District Inspector of Schools (SE), Paschim Medinipur being respondent no. 5 and thereafter transfer application reached West Bengal Central School Service Commission (for short, "Commission") through portal on 29<sup>th</sup> September, 2022 for taking final decision. Grievance of the petitioner is his transfer application is yet to be decided by the concerned authority of the commission.

4. Said school authority is represented by learned advocate who has submitted that after preferring transfer application on portal on 16<sup>th</sup> September, 2022 said school authority prior to 29<sup>th</sup> September, 2022 accorded 'no objection' for transfer of the petitioner since at the material point of time there were two Group -D staff in said school including the petitioner. Subsequently one Group -D staff has lost job in terms of the judgment of the Hon'ble Supreme Court dated 3<sup>rd</sup> April, 2025 passed in **Appeal arising out of Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Others)**. At present petitioner is the sole Group -D staff in

said school and if petitioner is transferred there will be no Group -D staff.

5. Having considered respective submissions made on behalf of the parties, Secretary of the Commission is directed to decide transfer application of the petitioner by six weeks from date of communication of this order after granting opportunity of hearing to the petitioner and said school authority or their representatives. Decision to be taken by the Secretary of the Commission shall be communicated to the parties by fortnight thereafter.

6. However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

7. Writ petition stands disposed of.

8. There shall be, however, no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Saugata Bhattacharyya, J.)**

