

03-11-2025
Item No.19 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21342 of 2025

Amitava Pal

-vs-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Mrinal Kanti Biswas
Mr. Ankan Mondal ...for the petitioner

Mr. Shamim ul Bari
Ms. Sujata Mukherjee ...for the State

Mr. Sunit Kumar Roy ...for SSC

1. The prayer of the petitioner seeking transfer stood rejected on the ground that the petitioner is a single-subject teacher. Such rejection was challenged before the Court by filing a writ petition and direction was passed upon the authority to make an alternative arrangement. Till date no alternative arrangement could be made and the petitioner's prayer seeking transfer is still pending disposal.
2. 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.).
3. 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.

4. 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.
5. In the instant case, it appears that the prayer of the petitioner seeking transfer is pending consideration for a considerable period of time. The school authority has failed to make any alternative arrangement.
6. Under such circumstances, the District Inspector of Schools (SE), Purba Medinipur, the fifth respondent herein, is directed to consider 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. The writ petition stands disposed of.
9. All parties are to act on the server copy of this order duly downloaded from the official website of

this Court.

10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]