

24th Nov., 2025

Item no.D/L 15
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 23394 of 2025**

In the matter of :
Dr. Dipankar Das @ Dipankar Das *Petitioner*
VS.
The State of West Bengal & Ors. *Respondents*

For the Petitioner:
Mr. Sougata Mitra
Mr. S. Chakraborty
Mr. S. Maitra *Advocates*

For the WBCSSC:
Mr. Sunit Kr. Roy *Advocate*

For the State:
Mr. Saibal Acharyya
Mr. Sankar Halder *Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner's prayer for transfer stood rejected by the District Inspector of Schools, Secondary, Secondary Education, North 24 Parganas on the ground that a willing teacher could not be found to teach the students if the petitioner is permitted to be transferred as he is the single-subject teacher.
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 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 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. In the instant case, it appears that the prayer of the petitioner seeking transfer practically stood rejected as alternative arrangement to teach the students could not be arranged. The reason for rejecting the transfer has been found to be not tenable in the eye of law by the order passed by this Court in the matters mentioned hereinabove.
7. Under such circumstances, the District Inspector of Schools (SE), North 24 Parganas being the respondent no. 5 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).
8. The entire exercise shall be completed by the concerned District Inspector of Schools preferably within three months from the date of communication of this order despite suspension of the Utshasree portal.
9. Office Memorandum of the District Inspector of Schools (SE), North 24 Parganas dated 22nd July, 2025 annexed at Page-62 of the writ petition is set aside.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)