

22
12.11.2025
d.p.

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.24677 of 2025

Badal Das

-vs-

The State of West Bengal & Ors.

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

Mr. Jagabandhu Roy
Mr. Pradipta Sidhanth ...for the State

Mr. Kanak Kiran Bandyopadhyay
...for SSC

1. Affidavit-of-service filed in Court today is taken on record.
2. The prayer of the petitioner seeking transfer was not allowed by the District Inspector of Schools on 29th August, 2022 on the ground that the petitioner is a single-subject teacher with a direction upon the school to make alternate arrangement to find out a teacher in place of the petitioner.
3. It has been submitted that in terms of the notification dated 3rd January, 2022 the District Inspector of Schools is required to take urgent steps in time bound manner to search for a teacher. Till date no alternative arrangement could be made.
4. 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.).

5. 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.
6. 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.
7. In the instant case, it appears that the prayer of the petitioner seeking transfer stood disallowed way back in 2022. The petitioner still insists for transfer.
8. The impugned action of the authority of the year 2022 is being questioned by the petitioner in the instant writ petition filed in October, 2025.
9. The instant writ petition stands disposed of by observing that it will be open for the petitioner to file fresh application seeking transfer in the prescribed format. In the event such an application is made, the school authority shall consider the same in accordance with the prevailing Rules and in line with the judgments

referred to hereinabove at the earliest but positively within three months from the date of filing the application.

10. If the prayer of the petitioner is allowed, then necessary consequential steps in accordance with law shall be taken by the school.
11. The writ petition stands disposed of.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
13. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]