

19.11.2025
Item No.20
Court No.11
Avijit Mitra

FMA 1702 of 2025
Rabin Haldar
Versus
The State of West Bengal and ors

Mr. Saktipada Jana,
Mr. Subhajyoti Das,
Mr. Sudipta Pramanik
.....for the appellant
Mr. Arkadipta Sengupta
.....for the State
Mr. Sourav Mitra
.....for the WBCSSC

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 17th September, 2025 passed by the learned single Judge in a writ petition, being WPA 19339 of 2025. In the said order it was observed as follows :

‘Having considered the respective submissions made on behalf of the parties, respondent no.3 is directed to make endeavour to find out a teacher of neighbouring school who can be deputed in the school of the petitioner for facilitating his transfer.

If a teacher is deputed in the school of the petitioner, petitioner shall be transferred immediately thereafter in accordance with law.

The writ petition stands disposed of.’

Mr. Jana, learned advocate appearing for the appellant submits that the notification dated 3rd January, 2022 casts a duty upon the District Inspector of Schools (SE) [hereinafter referred to as the DI(SE)] to take urgent step in a time-bound manner to search for a teacher on the same subject

from nearby and make local arrangement. The impugned order does not direct the DI(SE) to consider appellant's prayer for transfer within a time frame and accordingly, the appellant's claim would be unnecessarily kept in abeyance.

He argues that there is no provision in the notification dated 3rd January, 2022 to invite any option or choice of any other teacher to volunteer in rendering service to a school from which the appellant seeks transfer. Reliance has been placed upon a judgment delivered in the case of *Gokul Chandra Mallick Vs. The State of West Bengal and Ors.* [MAT 1218 of 2024].

Mr. Sengupta, learned advocate appearing for the State submits that the learned single Judge has directed consideration of the appellant's claim in the light of the notification dated 3rd January, 2022 and there is no infirmity in the order impugned.

Mr. Mitra, learned advocate appearing for the Commission submits that no allegation has been levelled against the Commission in the writ petition.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the absence of any mandatory time-frame towards consideration, the order as it stands can

never be implemented and it frustrates the very object of the notification dated 3rd January, 2022.

The notification dated 3rd January, 2022 states that it would be an obligation on the part of the DI(SE) to take urgent steps in a time-bound manner to search for a teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the single teacher concerned has applied for transfer. The appellant's claim for transfer cannot be kept in abeyance till a willing teacher is found. The term '*willing*' does not feature in the said notification.

We have been informed that the *Utsashree* portal has been suspended and is not operative.

In view thereof, the appellant is directed to submit the pro forma application for transfer along with all relevant documents and a copy of this order to the School Managing Committee authorities within a period of two weeks from date.

Upon receipt of the said application and the connected documents, the SMC authorities shall forward the same to the DI (SE) being the respondent no.3 herein within a period of four weeks thereafter.

Upon receipt of the said application and the connected documents, the respondent no.3 shall act in strict consonance with the provisions of the said notification dated 3rd January, 2022 and the

observations made in this order and take expeditious steps for filling up the resultant vacancy that may arise after the appellant is transferred preferably within a period of three months.

The order impugned in the present appeal is modified to the above extent and the appeal along with the stay application is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty, J.)