

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25365 of 2025

Mousumi Mondal
-versus
The State of West Bengal & Ors.

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

Mr. Kanak Kiran Bandyopadhyay
... For the WBCSSC

Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar
... For the State

1. Affidavit of service filed in Court is taken on record.

2. The petitioner's application for transfer stood returned by the head of the institution on 31st January, 2022 on the ground that the school where the petitioner is teaching could not arrange for a substitute teacher in place of the petitioner. The petitioner, being a single teacher in the subject, the school has not issued the 'no objection certificate' to her for transfer.

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 No.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 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.

6. 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.

7. Under such circumstances, the District Inspector of Schools (SE), Purulia 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 District Inspector of Schools preferably within three months from the date of communication of this order.

9. The writ petition stands disposed of.

10. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)