

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26063 of 2025

Provat Kumar Mallick
-versus
The State of West Bengal & Ors.

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

Ms. Sabham D Bardhan
Ms. Subhasri Chatterjee
... For the State

Mr. Sourav Mitra
Mr. Kanak Kiran Bandopadhyay
Mr. Sunit Kumar Roy
...For the WBCSSC

1. The prayer of the petitioner seeking transfer was returned by the District Inspector of Schools to the head of the institution with a direction to make local arrangement in the school as the petitioner was a single-subject teacher.

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 dated 3rd January, 2022 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. Under such circumstances, the District Inspector of Schools (Second Education), Howrah, being 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).

6. The entire exercise shall be completed by the District Inspector of Schools preferably within three months from the date of communication of this order.

7. The writ petition stands disposed of.

8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)