

24.11.2025
AGM
ML-474
Ct. No.18.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 28555 of 2024

Sukanta Tosh
Vs
The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri.
Mr. Rajesh Naskar.
.....for the petitioner.

Mr. Sunit Kumar Roy.
.....for the SSC.

1. The petitioner seeks transfer.
2. His application for transfer was not recommended by the Commission on the ground that his first preferred school did not have a vacancy and in his second preferred school there is an existing applicant seeking transfer on medical ground.
3. The petitioner has annexed documents in support of the submission that vacancy exists in the first preferred school of the petitioner, namely, Bansberia Municipal High School (H.S).
4. Prayer has been made to direct the Commission to recommend transfer in the first preferred school.

5. As regards the second preferred school, the petitioner seeks for a hearing to ascertain as to whether the existing applicant is still interested to join the said school on transfer.
6. According to the Commission, the records of vacancy were not available for which the Commission could not ascertain the vacancy in the Bansberia Municipal High School (H.S).
7. After hearing the parties, it appears that the documents annexed to the writ petition suggest that vacancy exists in the Bansberia Municipal High School (H.S), the first preferred school of the petitioner.
8. Accordingly, the Commission is directed to verify the vacancy status of the school mentioned hereinabove and if it appears that there is a vacancy where petitioner can be recommended for transfer, then necessary steps shall be taken by the Commission at the earliest but positively within a period of eight weeks from the date of communication of this order.
9. As regards the second preferred school, the Commission shall provide an opportunity of hearing to the existing applicant and if the applicant is unwilling to join the post on transfer,

then opportunity shall be provided to the petitioner.

10. The Commission shall consider the prayer of the petitioner for being appointed in the Bansberia Municipal High School (H.S) first and only if the first preferred school fails, the Commission will be required to take steps in respect of the second preferred school.
11. The writ petition stands disposed of.
12. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)