

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 455 of 2025

**Deepak Paswan
-versus
State of West Bengal & Ors.**

**Mr. Ujjal Ray,
Ms. Manishikha Mondal,
Ms. Sutapa Sen Paul.
...For the Petitioner.**

**Mr. Subir Kumar Saha, AGP
Mr. Pradip Sarkar.
...For the State.**

1. The order dated 13th January, 2025 passed by the Commissioner of School Education rejecting the petitioner's prayer for transfer is impugned herein.

2. The petitioner claims that the school is located approximately 590 km. away from his residence and there are no students in the school where he is currently posted.

3. The Commissioner of School Education rejected the prayer of the petitioner on the ground that for maintaining the Junior High School there must be at least three teachers in the school irrespective of the number of students.

4. A report was called for from the District Inspector of Schools wherefrom it appears that the concerned Sub-Inspector of Schools and the local authority tried best to increase enrolment in the school but new admission for the academic year 2025 remained '0' (zero). Current enrollment of the school in 2025 has deteriorated in Classes-V, VI and VII where there are no students. There are only three students in Class-VIII.

5. The District Inspector of Schools have mentioned that as the operation of the online process for application of transfer through the Utshashree Portal has been suspended, accordingly, prayer of the petitioner for transfer cannot be allowed.

6. The Court considered the matter on an earlier occasion and the Court wondered the requirement of a teacher in a school without any student.

7. As it appears that the school has failed to manage admission of students, accordingly, the prayer of the petitioner for being transferred to a separate school ought not to have been rejected. The authority ought to utilize the service of the petitioner and not merely pay salary to a teacher who does not perform any job as there are no students in the school.

8. The head of the institution is directed to immediately forward the application of the petitioner seeking transfer to the District Inspector of Schools within a week from date.

9. The District Inspector of Schools shall do the needful and forward the application to the West Bengal Central School Service Commission within a fortnight thereafter. The Chairman, West Bengal Central School Service Commission shall pass a reasoned order on the application of the petitioner within four weeks thereafter.

10. The petitioner shall be afforded an opportunity of hearing by the Chairman of the School Service Commission, if required.

11. The petitioner shall be permitted to put in his choice in respect of the school where he intends to be transferred. The petitioner shall be transferred to a school fairly closed to his residence and where there are students for the petitioner to teach.

12. The writ petition stands disposed of.

13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)