

04.04.2025
Ct. No.2
17
Rohit

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

**WPA 704 of 2025
Dulal Paul
-vs-
The State of West Bengal & Ors.**

Mr. Suddip Ghosh Chowdhury	
Mr. Soumyajit Laskar	...for the Petitioner
Mr. Sunit Kumar Roy	...for the SSC
Mr. Pretom Das	...for the State

Affidavit-of-service filed in Court be taken on record.

The petitioner is presently serving as an Assistant Teacher in Mathematics (H/PG) in Higher Secondary Section at Nilnalini Bidyamandir (H.S) of Ashrampara under Post Office- Siliguri in the District of Darjeeling. The petitioner applied for transfer on the ground of distance factor.

The learned Advocate for the petitioner submits that the authorities have not considered the prayer of the petitioner for transfer from the present school to a school which is near to the residence of the petitioner.

The School Service Commission and the State are represented by their respective learned Advocates.

The learned Advocate appearing for the School Service Commission draws the attention of the Court

to the portal status and submits that the application for transfer of the petitioner was returned by the District Inspector of Schools on the ground of single subject teacher.

The learned Advocate appearing for the petitioner submits that the petitioner is not a single subject teacher. Such a factual dispute cannot be decided by exchange of affidavits in a writ petition and the same should be best left open to be decided by the concerned authority.

In view thereof, the District Inspector of Schools (SE), Siliguri being the 5th respondent is directed to consider the prayer of the petitioner for transfer after giving an opportunity of hearing to the petitioner and the school concerned and if the District Inspector finds that the petitioner is a single subject teacher then appropriate steps shall be followed in accordance with law. In case it is found that the petitioner is not a single teacher then the District Inspector of Schools shall take necessary steps with regard to the prayer for transfer.

The entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order.

(Hiranmay Bhattacharyya, J.)