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08.07.2025
AGM

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

**CAN 1 of 2025
with
W.P.A. 950 of 2025**

**Md. Nasim Aktar Danish
-versus
The State of West Bengal & Ors.**

**Mr. Sakti Pada Jana.
Mr. Subhajyoti Das.
Mrs. Sudipta Pramanik.
...For the Petitioner.**

**Mr. Sunit Kumar Roy.
... For the SSC.**

**Mr. Kumar Shantanu.
... For the State.**

1. The applicant/petitioner seeks recalling of the order dated 25th April, 2025 passed by this Bench.

2. It has been submitted that the transfer application was made by the petitioner prior to the notification of the School Education Department, Secondary Branch dated 3rd January, 2022 coming into force. The petitioner applied for transfer in the year 2021 and the application stood rejected on the ground that the petitioner was a single subject teacher.

3. Till date the application for transfer of the petitioner could not be considered because of the same reason.

4. Learned advocate for the petitioner relies on the order passed by the Hon'ble Division Bench of this Court on **9th June, 2025** in **MAT 488 of 2025 with CAN 2 of 2025 (Shyama Prasad Roy -Vs- The State**

of West Bengal & Ors) wherein the Court observed that the respondent authorities, cannot on the pretext of non-availability of willing teacher, indefinitely keep the application for transfer pending.

5. The Court clearly held that an application for transfer cannot be kept in abeyance unreasonably for an indefinite period of time.

6. Under such circumstances, the Court gave six months' time to the respondent authorities to find out a teacher to fill up the vacancy to be created on the transfer of the candidate.

7. The candidate, within the scheduled period of six months or soon after the expiry of six months period, should be transferred in accordance with law.

8. In the instant case, the applicant/petitioner is seeking transfer since 2021. The respondent authorities are, accordingly, directed to find out an alternate arrangement to cater to the resultant vacancy to be created on the transfer of the petitioner.

9. The decision of the Commission to reject the application for transfer on the ground that the petitioner is a single subject teacher stands set aside.

10. The respondent authorities shall act within a period of six months from the date of communication of this order.

11. The petitioner shall be transferred on consideration of his application filed in the year 2021 in the Utsashree portal within the aforesaid period of six months or immediately on completion of the six months time period in accordance with law.

12. The petitioner shall forward to the Commission all documents in support of his application for transfer.

13. The application being CAN 1 of 2025 stands disposed of.

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

(Amrita Sinha, J.)