

13.05.2025
Court No.2
Item No.25
AJ

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

WPA 1055 of 2025

Subhamay Das

-Vs-

The State of West Bengal & Ors.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Ms. Mrinmayee Das.
... for the Petitioner.

Mr. Sandip Guha Roy.
....for the State.

Mr. Amales Ray, Ld. Sr. Adv., (V.C.),
Ms. Purna Mitra,
Ms. Debashree Biswas.
....for the DPSC, Cooch Behar.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The petitioner is an Assistant Teacher at
Kalabarighat 4th Plan Primary School, a school
under Satmile Circle of the Cooch Behar District
Primary School Council (**'the said Council'** in
short).

The Chairperson of the said Council, by the
Office Memorandum dated April 21, 2025 has
transferred the petitioner to Kharija Naldhondra 4th
Plan Primary School, a school under the same Circle
as a stop gap arrangement.

Mr. Mishra, learned Advocate for the
petitioner submits that the petitioner has come to
the present school on transfer in a similar stop gap
arrangement, he is the senior most teacher of his
present school, as such, the Council should not

have transferred the petitioner again in such stop gap arrangement, leaving the junior teachers of the school.

Mr. Amal Ray, learned Senior Advocate for the Council submits that the petitioner is a surplus teacher and the school where he has been transferred to is in the same Circle as his earlier school.

Learned Advocate for the parties; perused the materials-on-record.

The Council, in exercise of its administrative power and in the interest of the students, has passed the impugned order of transfer, as such cannot be faulted, however, the stop gap arrangement is not appreciated, therefore, the petitioner should be transferred as a permanent teacher to Kharija Naldhondra 4th Plan Primary School.

WPA 1055 of 2025 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)