

Item no. 15
20.08.2025
Ct. 02
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 1701 of 2025

Kazi Talil Hilal
versus
State of West Bengal & Ors.

Mr. Arnab Saha
Mr. Md. Shoaib Akhtar
...For the Petitioner.
Mr. Subir Kr. Saha, Ld. AGP
Mr. Kumar Shantanu
....for the State
Mr. Anirban Banerjee
....for the respondent No. 4
Mr. Sunit Kr. Roy
....for the SSC

1. The petitioner claims to be an Assistant Teacher working in Taleswarguri High School (HS) UDISE Code-1968, Alipurduar. The petitioner claims to be working in the said School since 25th April, 2014 and has completed the mandatory period for maintaining an application for transfer. According to the petitioner, the petitioner is married and has a new born baby and the school is approximately 430 kilometers away from his residence. Although the petitioner had initially applied on the “Utsashree” portal for transfer, however, on the ground “single teacher” his application was rejected.

2. Challenging the above, the instant writ petitioner has been filed.
3. The parties have, however, jointly submitted that the above issue as to whether an application for transfer by the assistant teacher can be rejected on the ground of single teacher had been considered by the Division Bench of this Court in the case of **Shyama Prasad Roy vs. State of West Bengal & ors.** in **MAT 488 of 2025**. The Division Bench has been pleased while considering the same to note that the aforesaid cannot be a sole ground to reject the transfer application or to keep such transfer application in abeyance.
4. Mr. Roy, learned advocate representing the School Service Commission would, however, submit that the West Bengal School Service Commissioner (General Transfer, Transfer on Special Grounds and Re-allocation) Rules, 2015 (hereinafter referred to as the said Rules) has since been amended on 3rd January, 2022 and it has been provided and even in case of single teacher, transfer application shall not be rejected but the District Inspector of Schools shall try to make an endeavour to make an alternative arrangement and after an alternative arrangement is made, such application for transfer shall be forwarded to the Secretary,

School Service Commission for appropriate steps.

- 5.** Having regard to the above, I am of the view that the order of rejection of the petitioner's application for transfer on the "Utsashree" portal dated 28th August, 2021 cannot be sustained and the same is accordingly set aside. The petitioner shall be at liberty to apply before the concerned headmaster in terms of the said Rules. If such application is made, the concerned headmaster upon ascertaining the eligibility of the petitioner and if the petitioner is found eligible, shall forward the same to the District Inspector of School whereupon the District Inspector of Schools in terms of the amended provisions of the said Rules shall immediately take steps and make an endeavour to make an alternative arrangement and upon such arrangement being made, shall forward the petitioner's application with a recommendation to the Secretary, School Service Commission for effectuating the transfer in the manner prescribed by the said Rules.
- 6.** Considering the fact that the petitioner is working in the above school since 2014, it is expected that expeditious steps shall be taken by the respondents provided the application for

transfer is filed by the petitioner within a period of three weeks from date.

7. Since the parties would submit that the “Utsashree” portal is not functional, the petitioner shall be entitled to make an application for transfer in offline mode and such application shall be considered and processed by the appropriate authority.
8. With above observations and directions, the writ petition is disposed of.
9. There shall be no order as to costs.
10. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Raja Basu Chowdhruy, J.)