

**Item no. 16
20.08.2025
Ct. 02
sayandeep**

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

W.P.A 1719 of 2025

**Lalmohan Barman
versus
State of West Bengal & Ors.**

**Mr. Sudip Ghosh Chowdhury
Mr. Soumyajit Laskar
...For the Petitioner.**

**Mr. Momenur Rahaman
Mrs. Pratusha Dutta Choudhury
....for the State**

**Mr. Anirban Banerjee
....for the respondent No. 4
Mr. Sunit Kr. Roy
....for the SSC**

1. The instant writ petition has been filed, inter alia, challenging the order dated 4th August, 2025 passed by the respondent No. 6 whereby the petitioner's application for transfer on special ground in terms of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and re-allocation) Rules, 2015 (hereinafter referred to as the said Rules) has been rejected.
2. Mr. Chowdhury, learned advocate representing the petitioner by drawing attention of this Court to the petitioner's application for transfer on special ground has submitted that the petitioner

sought for transfer on the ground that the petitioner is facing significant challenges due to his spouse's serious health issue. According to him, his wife is suffering from pheochromocytoma and is anemic. This apart bilateral adrelectomy has been done and both adrenal glands have been removed.

3. According to him, the aforesaid removal of glands is covered under Rule 4(a) of the said Rules. Notwithstanding the aforesaid, the respondent No. 6 has rejected the petitioner's application for transfer on the ground that the school is having 1225 students and a strength of 15 numbers of teaching staff including the headmaster, which is below the pupil teacher ratio of 40:1. According to the respondent No. 6, the actual teacher strength of the school should be at least 30.
4. In this context, Mr. Choudhury, learned advocate would submit that while passing the aforesaid order, the respondent No. 6 has overlooked the fact that the said Rules has since been amended vide notification dated 29th September, 2022 whereunder two several provisos have been added to sub Rule 6 of Rule 5. According to him, by reasons of the incorporation of the second proviso to sub Rule 6 of Rule 5, a right has

accrued in favour of the petitioner for seeking relaxation of the pupil teacher ratio since, his application for transfer is on medical ground.

5. Having heard the learned advocate appearing for the respective parties, I find that the petitioner had in fact applied for transfer on medical grounds. Although by an order passed by a co-ordinate Bench of this Court, the respondent No. 6 has considered the petitioner's application for transfer, however, while passing such order, the respondent No. 6 has obviously overlooked the fact that the Rules 4 and 5 of the said Rules had since been amended. Although, the pupil teacher ratio stands as a bar in respect of consideration of an application for general transfer, having regard to the insertion of the second proviso to sub Rule 6 of Rule 5, a relaxation has been afforded to the transfer application made on medical grounds.

6. In this context, the relevant amendment to sub Rule 6 of Rule 5 is extracted herein below:

**“Provided that an application for general transfer shall not be entertained by the concerned School Authority, if Pupil Teacher Ratio (PTR) of the school falls deficient as per the norms laid down in the Right of Children To Free and Compulsory Education Act, 2009 and other Government orders for the time being in force on account of proposed transfer:
Provided further that the issue of the Pupil Teacher Ratio may be relaxed in case of transfer application made on medical grounds and other grounds referred to in clause (a) to (d) of rule 4.”**

7. Having regard to the above, I am of the view that the order passed by the respondent No. 6 being contrary to the Statute cannot be sustained and is accordingly set aside. The respondent No. 6 is directed to process the petitioner's application for transfer having regard to the aforesaid provision. Further since, the only objection of the respondent No. 6 while rejecting the petitioner's application is the pupil teacher ratio, I am of the view that having regard to the second proviso of sub Rule 6 of Rule 5, such objection can no longer be sustained. The respondent No. 6 is directed to process the petitioner's application for transfer and forward the same to the District Inspector of Schools for him to seek a report from the concerned Chief Medical Officer of the District and if the petitioner is found eligible to forward the same to the Secretary, School Service Commission for him to take appropriate steps. The entire process in this regard starting from forwarding of the petitioner's application for transfer by the respondent No. 6 to the District Inspector of Schools and the said District Inspector of Schools taking a decision thereon must be completed within a period of six weeks from the date communication of this order.

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.)