

Form No. J.(2)
Item No. 67
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 1854 of 2025

Arpita Chaki

Vs.

State of West Bengal & Ors.

For the petitioner	:	Mr. Shuvro Prokash Lahiri, Adv. Mr. Debajit Kundu, Adv.
For the State	:	Mr. Nabankur Paul, Adv. Ms. Pratusha Dutta Chowdhury, Adv.
For the Respondent Nos. 3 & 4 /SSC	:	Mr. Sunit Kumar Ray, Adv. (VC)
Heard on	:	September 10, 2025
Judgment on :	:	September 10, 2025

Aniruddha Roy, J. :

Affidavit of service filed in Court today, is taken on record.

Mr. Shuvro Prokash Lahiri, learned Advocate appears for the petitioner.

Mr. Nabankur Paul, learned Advocate with Ms. Pratusha Dutta Chowdhury, learned Advocate appears for the respondents State.

Mr. Sunit Kumar Ray, learned Advocate appears for the respondent School Service Commission.

The petitioner being an **Assistant Teacher** seeks transfer from the present school to another. The writ petitioner applied before the school authority at **page 80** to the writ petition and the school authority has kept it pending even till today. At this juncture, the writ petitioner directly made an application before the jurisdictional D.I. who has rejected the application of the petitioner by its decision dated **August 5, 2025, Annexure-P5 at page 90** to the writ petition.

The petitioner has assailed the said decision of the D.I. through this writ petition and prays for quashing of the same.

Mr. Sunit Kumar Ray, learned Advocate appearing through virtual mode for the respondent nos. 3 and 4/SSC submits that, in any event, the D.I. cannot consider the same and rightly rejected the same because the present school after considering the application of the petitioner has not submitted No Objection before the D.I. Because of this procedural infirmity, in any event, the application submitted by the petitioner directly before the D.I. would not have succeeded.

Considering the rival contentions of the parties and upon perusal of the materials on record the impugned decision of the jurisdictional D.I. dated **August 5, 2025 Annexure-P5 at page 90** to the writ petition stands **set aside** and **quashed**.

The application at **page 80** having been submitted by the petitioner before the present school authority shall have to be considered by the school authority in accordance with law and ultimately if the school authority is of

the opinion in favour of the petitioner, then the school authority shall furnish the necessary **No Objection** before the jurisdictional D.I.

This exercise shall be carried out and completed by the school authority **positively** within a period of **six weeks** from the date of communication of this order.

The jurisdictional D.I. then upon receiving the No Objection, if any, to be issued by the school authority shall take all necessary and consequential steps thereupon in accordance with law and the further steps shall also be taken by the appropriate authority in accordance with law but the entire process shall be completed **positively** within a period of **four months** from the date of receiving the No Objection from the relevant school, if any, by the jurisdictional D.I.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, the writ petition, **WPA 1854 of 2025** stands **disposed of**, without any order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)