

81
22.12.2025
d.p.

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

W.P.A 1855 of 2025

**Minmoy Das
-versus
The State of West Bengal & Ors.**

**Mr. Shuvro Prakash Lahiri,
Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Subir Kumar Saha, Ld. AGP,
Mr. Kumar Shantanu.
...For the State.**

**Mr. Sunit Kumar Ray,
Mr. Kumar Shantanu.
...For the Respondent
Nos.3 & 4.**

1. The petitioner is aggrieved by the inaction on the part of the District Inspector of Schools (S.E.), Cooch Behar in not taking further steps after seeking for the willingness of the available assistant teachers to take the subject of physical science in the normal section of the school from where the petitioner seeks transfer.

2. Learned advocate representing the petitioner submits that the District Inspector of Schools cannot wait for a willing candidate to accept the proposal for teaching the students as a temporary measure.

3. In support of such submission reliance has been placed on the order dated 31st July, 2025 passed by the Hon'ble Division Bench in FMA 995 of 2025 with CAN 1 of 2025 (Rupak Dhua –vs- The State of West Bengal & Ors.) wherein the Court was pleased to observe that the claim for transfer cannot be kept in

abeyance till a willing teacher is found. The Court was pleased to direct the District Inspector of Schools to take expeditious steps for filling up the resultant vacancy that might arise after the candidate's transfer is allowed.

4. As it appears that nearly eighteen months have elapsed after the District Inspector of Schools sought for willingness of the teachers of the local schools and no response has evoked therefrom, accordingly, the District Inspector of Schools would be bound by the direction passed by the Hon'ble Division Bench in the matter of Rupak Dhua (*supra*).

5. Under such circumstances, the District Inspector of Schools (SE), Cooch Behar is directed to consider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall be filled up in the manner as directed by the Hon'ble Division in the matter of Rupak Dhua (*supra*).

6. The entire exercise shall be completed by the District Inspector of Schools preferably within three months from the date of communication of this order.

7. The writ petition stands disposed of.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)