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NANDY

(CO-DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1287 of 2026

KISHALOY SARKAR
Vs.
THE STATE OF WEST BENGAL & Ors.

Mr. Sudip Ghosh Chowdhury, Advocate	
Ms. Shreyeta Mitra, Advocate	
Ms. Pritha Biswas, Advocate	
Ms. Upasana Sarkar, Advocate	for the Petitioner
Ms. Saswati Chatterjee, Advocate	for the WBBSE
Mr. Sourav Mitra, Advocate	for the WBCSSC
Mr. Tapan Kumar Roy, Advocate	for the State

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, the School Authority is not represented.
3. The petitioner is an Assistant Teacher in Mathematics at Bhalkundi High School (HS), Murshidabad.
4. The petitioner has made an application for transfer on own seeking on the ground of distance.
5. The said application is pending since 2021.
6. The rejection of an earlier application by the respondent no. 6 on the ground of Single Teacher issue, cannot be considered in this application as this Hon'ble Court has held in **MAT 1218 of 2024** (*Gokul Chandra Mallick Vs. State of West Bengal & Ors.*) and in **FMA 995 of 2025** (*Rupak Dhua Vs. State of West Bengal & Ors.*) that the single teacher issue or dealing teacher issue is contrary to a Notification of January 3, 2022 in terms of the Memorandum No. SE/S/Is-04/95 (Pt-III).
7. The decision taken by the respondent no. 6, is *prima facie* faulty and not in consonance with the dictum of this Hon'ble Court. However, since a long period of time has lapsed and the surrounding facts and circumstances may have changed, it would be appropriate for the petitioner to file a fresh application for transfer on the selfsame ground with

- the school authorities, who shall immediately issue a 'No Objection Certificate' and forward the same to the District Inspector of Schools (respondent no. 5) by 15.04.2026.
8. The respondent no. 6 will deal with such application strictly and in line with the decisions in *Gokul Chandra Mallick Vs. State of West Bengal & Ors.* and *Rupak Dhua Vs. State of West Bengal & Ors. (supra)*.
 9. The suspension of 'Utsashree Portal' will not be an impediment for the concerned authority to consider the application for transfer of the petitioner. The same shall be considered in an offline mode.
 10. With these observations, **WPA 1287 of 2026** is **disposed of**.
No order as to costs.

(Reetobroto Kumar Mitra, J.)