

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2129 of 2026

Partha Ghosh
-versus
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Seema Thakur
... For the petitioner

Mr. Sambuddha Dutta
Mr. Abhishek Chakraborty
... For the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya
... For the WBBSE

Mr. Raja Das
... Teacher-in-charge in-person
(Respondent nos.10 & 11)

1. The petitioner was serving in a school namely Kaswara Yeasin Mondal Sikshaniketan, Hooghly. He has been transferred on 6th January, 2026 to Howrah Rabindra Deshbandhu Vidyalaya by the School Education Department under Section 10C of the West Bengal School Service Commission (Amendment) Act, 2017.

2. Recommendation for transfer in the post of Headmaster in terms of Section 10C of the Act was issued in favour of the petitioner by the West Bengal Central School Service Commission on 8th January,

2026. The order of transfer was issued by the Board of Secondary Education on 28th January, 2026 mentioning that the school will release the incumbent within five working days from the date of issuance of the order of transfer and the incumbent shall join his assigned post within three working days from the date of release.

3. The petitioner has been released from service on 2nd February, 2026 but the petitioner alleges that he is not in a position to join the recommended school as the teacher-in-charge of the said school directed the petitioner to submit a 'no litigation certificate' issued by the concerned competent authority along with other documents for joining the school.

4. Learned advocate for the petitioner submits that the petitioner is in possession of all documents required for joining, but for the litigation certificate. It has been submitted that a criminal case against the petitioner is pending consideration before the Court of the learned Judicial Magistrate, 3rd Court, Hooghly in GR 649 of 2020. Due to the pendency of the criminal case, it will not be possible for the petitioner to produce the 'no litigation certificate'.

5. It has been submitted that there is no provision in law requiring submission of a 'no litigation certificate' to join the recommended school in

accordance with the transfer order issued under Section 10C of the Act.

6. Prayer has been made to direct the recommended school to permit the petitioner to join on the basis of the other documents that shall be produced by him.

7. Learned advocate representing the Board submits that the recommended school does not have any authority to call for a 'no litigation certificate'. As the transfer order was issued under Section 10C of the Act, there is no legal requirement of production of a 'no litigation certificate' before the recommended school.

8. The teacher-in-charge of the recommended school is appearing in-person. It has been submitted that the school does not have any intention to restrain the petitioner from joining.

9. Upon hearing the submission made on behalf of all the parties, it appears that the communication of the teacher-in-charge requiring production of 'no litigation certificate' is not supported by any provision of law. As the order of transfer is an administrative one, there is no requirement of submission of a 'no litigation certificate'.

10. Admittedly, a criminal case is pending against the petitioner, for which he will not be in a position to submit a 'no litigation certificate'. The order

passed under Section 10C of the Act will be frustrated if the petitioner is not permitted to join on transfer.

11. The instant writ petition, accordingly, stands disposed of directing the recommended school to permit the petitioner to join relying on the documents sought for as appearing in page 46 of the writ petition barring submission of the 'no litigation certificate'.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)