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NANDY

(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/3037/2026

SAJAL KUMAR MUKHERJEE

Vs.

THE STATE OF WEST BENGAL & ORS.

Mr. Shuvro Prokash Lahiri, Advocate

.....for the Petitioner

Mr. Bhakti Prasad Das, Advocate

.....for the State

Ms. Supriya Dubey, Advocate

Mr. Bibaswan Patra, Advocate

.....for the WBCSSC

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's application seeking transfer on the ground of distance has been rejected by the School on 06.01.2026 on the following four grounds:
 - i) *The school has already a shortage of Teachers, especially in the Science group;*
 - ii) *You are the only Teacher for chemistry in the H.S Science stream of the School. In the event of your transfer the science stream will face great problem and may have to be closed;*
 - iii) *As the prayer has been made to the Higher Authorities of Education Department like, Chairman, West Bengal Central School Service Commission and The District Inspector of Schools (SE), Purulia, it is not possible for the school to take any decision on its own.*
 - iv) *Last but not least, as the off line mode of General transfer is no longer in effect, the school has no right to take any steps in this regard.*
4. In so far as ground no. (iii) is concerned, the same relates to representations made by the petitioner under desperation, as the school authorities were not taking any steps on the application made by the petitioner.
5. Such representations may, for the time being, be ignored.
6. In so far as, ground no. (iv) is concerned, the same is now a settled issue that transfer applications can be made in the offline mode and be considered as such, as the 'Utsashree Portal' is presently under temporary suspension.

7. In so far as the ground no. (i) is concerned, shortage of teachers, is not a ground on which transfer can be refused.
8. This leaves us with the ground no. (ii), which is that the petitioner being a single teacher in the subject, his transfer application was rejected.
9. In terms of the Notification No. 9-SE, dated 03.01.2022, read with the conclusive dictum of this Hon'ble Court 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.*), it is clear that an application for transfer made by a person, cannot be rejected solely on the ground that he is the only teacher in the subject.
10. In view of the aforesaid findings and observations, the decision of the School dated 06.01.2026 is set aside.
11. The School is directed to issue the requisite 'No Objection Certificate' along with necessary 'Declaration' and forward the same along with the application of the petitioner to the respondent no. 5 by 10.04.2026.
12. The respondent no. 5 will consider the application of the petitioner and expedite the onward progression if the petitioner is otherwise eligible, as expeditiously as possible, preferably by 15.05.2026.
13. With these observations, **WPA/3037/2026** is **disposed of**.
No order as to costs.

(Reetobroto Kumar Mitra, J.)

