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rpan/07-08

MAT 214 of 2026
+
IA No.CAN 1 of 2026
Mosammath Rajina
- Versus -
State of West Bengal & Others

With
MAT 215 of 2026
+
IA No.CAN 1 of 2026
Mosammath Rajina
- Versus -
Pinki Rajak & Others

Ms. Usha Maiti,
Mr. Sakya Maity
... for the Appellant
(in both the appeals).
Mr. Swapan Kr. Datta,
Mr. Tapas Kr. Dey
... for the State.
(in MAT 214 of 2026).
Mr. Swapan Kr. Datta,
Mr. Dipankar Dasgupta
... for the State.
(in MAT 215 of 2026).
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra
... for the WBCSC
(in both the appeals).
Ms. Uttiya Ray,
Ms. Anima Maiti
... for the College
(in both the appeals).
Mr. Sabyasachi Mukherjee,
Mr. Mrinmay Nandy,
Mr. Biswajit Mukherjee,
Ms. Swastika Saha,
Mr. Ranabeer Halder,
Ms. Debjani Chakraborty
... for the Respondent no.1/Writ petitioner
(in MAT 215 of 2026).

The above appeals are taken up for analogous
hearing as the same arise out of an order dated 4th

February, 2026 passed by the learned single Judge in two writ petitions being WPA 5529 of 2025 and WPA 19146 of 2025.

The first writ petition, being WPA 5529 of 2025 was preferred by one Pinki Rajak (in short, Pinki) praying for issuance of necessary direction upon the respondents to allow her to join Chhatna Chandidas Mahavidyalaya, Bankura (in short, the said college) where she was recommended by the West Bengal College Service Commission (hereinafter referred to as the said Commission) *vide* memo dated 13th March, 2024. The second writ petition, being WPA 19146 of 2025 was preferred by Mosammath Rajina (in short, Rajina) challenging, *inter alia* an order dated 19th June, 2025 passed by the Director of Public Instruction, West Bengal (hereinafter referred to as DPI) refusing her prayer for transfer to the said college.

Ms. Maiti, learned advocate appearing for Rajina submits that Rajina's prayer for transfer to a college near to her residence was illegally kept in abeyance by the concerned respondents. For such inaction on the part of the respondents she had to approach this Court and ultimately by an order passed on 1st May, 2025 in FMA 642 of 2025, the DPI was directed to consider the Rajina's application for transfer keeping in mind the vacancy position. At that juncture the post of Assistant Professor in Sociology in the said

college was not physically occupied. Without granting any weightage to the said order and without considering the entire sequence of facts and the provisions of the West Bengal School Service Commission Act and the regulations framed thereunder, the DPI passed the order dated 19th June, 2025 illegally refused Rajina's prayer for transfer to the said college.

She further submits that the learned single Judge ought to have appreciated that Rajina's prayer for transfer was based on statutory provisions and could not have been treated to be inferior to that of Pinki's alleged right for appointment in the said college moreso when Pinki herself refused to join the said post in which she was initially recommended. Such arguments, as advanced, were glossed over by the learned single Judge and no findings were returned on the same. Such infirmity warrants interference of this Court.

Mr. Mukherjee, learned advocate appearing for Pinki submits that after Pinki emerged to be successful in a selection process, she was recommended to the post of Assistant Professor in Sociology in the said college by a memo dated 13th March, 2024. As her mother was suffering from ailments and as there was none to look after her, Pinki submitted a representation on 23rd March, 2024 expressing her unwillingness to join. However, during

the period of validity of the said memo she withdrew her earlier letter by a communication dated 7th April, 2024. In view thereof, there is no infirmity in the order impugned as the learned single Judge had rightly directed the said college authorities to permit Pinki to assume charge as an Assistant Professor in Sociology in the said college.

Mr. Datta, learned Government Pleader, Mr. Panda and Mr. Ray, learned advocates, enter appearance on behalf of State/DPI, said Commission and said college respectively.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, Rajina's prayer was pertaining to transfer to a suitable vacancy near her residence. Her representations were kept in abeyance and ultimately, on the basis of an order of this Court the same was considered and the DPI passed the order impugned in the first writ petition. Pinki, on the contrary, was a recommended candidate for appointment to the concerned post in the said college. Rajina's claim for transfer involves exercise of discretion by the competent authority whereas Pinki's prayer was for issuance of necessary direction for appointment on the basis of a letter of recommendation issued by the Commission as per her merit position in the selection process. In the said

conspectus, the learned single Judge observed that the right of Pinki would clearly prevail over the right of Rajina to be considered for transfer in the said college. We do not find any infirmity in such observation and reasoning. By the order impugned, DPI has also been directed to consider any further application that may be made by Rajina for seeking a transfer to a college of her choice recording an observation that the DPI shall treat her case sympathetically and allow her transfer to a college more accessible to her.

The learned single Judge rightly dealt with the factual issues and arrived at a specific finding and we do not find any error in the same.

In view thereof, no interference is called for in the present appeals and the same along with the connected applications are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)