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(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/3346/2024

TIYASH CHATTERJEE
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Sudip Ghosh Chowdhury, Advocate
Ms. Pritha Biswas, Advocate
Ms. Upasana Sarkar, Advocate
.....for the Petitioner
Mr. Sourav Mitra, Advocate
.....for CSSC
Ms. Koyeli Bhattacharya, Advocate
Mr. Bibek Dutta, Advocate
Mr. Manas Bhattacharyya, Advocate
.....for the WBBSE
Mr. Samrat Mukherjee, Advocate
Ms. Mary Datta, Advocate
Ms. Sneha Chatterjee, Advocate
.....for the State

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. In spite of service, the School Authority is not represented.
3. The petitioner's application seeking transfer was returned by the concerned School Authority on October 1, 2021.
4. It appears that a considerable period of time has lapsed from the day the application of the petitioner for transfer stood rejected. Staff strength of the school may have changed in the meantime.
5. The petitioner is granted liberty to make a fresh application seeking transfer in the prescribed format by July 15, 2026.
6. In the event such an application is made, the same shall be considered by the Head of the institution in accordance with the prevailing transfer rules and law laid down by the Hon'ble Division Bench of this Court on July 31, 2025 in the matter of ***Rupak Dhua vs. The State of West Bengal & Ors. [FMA 995 of 2025 with IA No. CAN 1***

of 2025] wherein the Court took note of the notification dated January 3, 2022 amending the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.

7. The Court was of the opinion that the aforesaid notification states that it would be an obligation on the part of the concerned District Inspector of Schools (SE) to take urgent steps in a time bound manner to search for a teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the single teacher had applied for transfer. The petitioner's claim for transfer cannot be kept in abeyance till a willing teacher is found. The Court was pleased to direct the concerned District Inspector of Schools (SE) to take expeditious steps for filling up the resultant vacancy that might arise after the candidate's transfer is allowed.
8. A decision shall be taken at the earliest but positively within a period of eight weeks from the date of filing of the application.
9. The ground of single-subject teacher cannot be an impediment for the authority to consider the prayer of the petitioner.
10. The fate of the petitioner's application shall be made known to the petitioner.
11. Suspension of the 'UTSASHREE' portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.
12. With the afore-stated observations, the instant writ petition is **disposed of**.
13. No order as to costs.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)

