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NANDY
(ST-DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/3852/2026

MOUMITA MONDAL MAITY
Vs.
THE STATE OF WEST BENGAL & ORS.

Mr. Anindya Bose, Advocate
Mr. Santanu Maji, Advocate
Mr. Subhayu Das, Advocate
Mr. Mridul Biswas, Advocate
Ms. Debrani Mondal, Advocate
Ms. Raina Das, Advocate

.....for the Petitioner

Mr. Shanti Ranjan Das, Advocate
Mr. Arun Kumar Saha, Advocate

.....for the State

Mr. Sunit Kumar Roy, Advocate

.....for the SSC

1. Affidavit of service, as filed, be kept with the record.
2. The prayer of the petitioner seeking transfer stood rejected on the ground that the petitioner is a single-subject teacher. Such rejection challenged before the Court by filing a writ petition and direction was passed upon the authority to make an alternative arrangement. Till date no alternative arrangement could be made and the petitioner's prayer seeking transfer is still pending disposal.
3. Reliance has been placed on the judgment delivered by an Hon'ble Division Bench of this Court on a similar issue on August 8, 2024 in ***MAT No. 1218 of 2024 with CAN No.1 of 2024 (Gokul Chandra Mallick -vs- The State of West Bengal & Ors.)***.
4. The Court was of the opinion that the notification relied upon by the authority for not disposing of the application for transfer of the petitioner casts a duty on the District Inspector of Schools to make arrangement within a time-bound manner. The Court directed the District Inspector of Schools to consider the

- application for transfer.
5. By a further order dated July 31, 2025 in **FMA No.995 of 2025 with CAN No.1 of 2025** (*Rupak Dhua-vs- The State of West Bengal & Ors.*), the Hon'ble Division Bench was pleased to observe that the claim for transfer cannot be kept in abeyance till a willing teacher is found. The Court was pleased to direct the District Inspector of Schools to take expeditious steps for filling up the resultant vacancy that might arise after the candidate's transfer is allowed.
 6. By the orders passed by this Hon'ble Court in a writ-petition as well as in a contempt application, the respondent no. 4, had been directed to make necessary arrangements by way of local appointments to facilitate the transfer of the petitioner. However, the transfer of the petitioner was kept in abeyance merely because a local arrangement cannot be made by the concerned D.I., in spite of the orders passed by this Hon'ble Court as far back as in August 2022 and January 2023. There is an abject apathy of the concerned D.I. to implement the orders of this Court. This is not appreciated.
 7. Under such circumstances, the respondent no. 4, the District Inspector of Schools (SE), is directed to consider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall be filled up in the manner as directed by the Hon'ble Division Bench in the matter of Rupak Dua (*supra*).
 8. The entire exercise shall be completed by the concerned D.I. of Schools preferably by 31.05.2026.
 9. The writ petition stands **disposed of**.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

(Reetobroto Kumar Mitra, J.)