

WPA 4156 of 2026

Biman Mondal
Vs.
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
.... for the petitioner

Ms. Mary Datta
Ms. Sneha Chatterjee
.... for the State

Mr. Sunit Kumar Roy
.... for the SSC

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved that in spite of being given an opportunity by an order of this Hon'ble Court dated September 15, 2025 to indicate three new schools where his transfer could be affected, the Commission has failed to take into consideration these new preferred/opted schools provided by the petitioner viz. 1) Jatia High School, 2) Madhyamgram High School and 3) Udaypur Haradayal Nag Adarsha Vidyalaya. In fact, in this writ petition, the order dated December 1, 2025, passed by the respondent no. 5 has been challenged. It is clear from the impugned order that the petitioner's preference which was taken into consideration was the one indicated prior to the order of September 15,

2025. The preference of the petitioner indicated subsequently has not been taken into consideration.

3. Mr. Roy, learned Advocate appearing for the Commission, submits that no fresh “No Objection Certificate” has been issued by the concerned school on account whereof the fresh opted schools could not be considered.
4. The submission of Mr. Roy is contrary to the record inasmuch as the order dated December 1, 2025 does not speak of any such fresh “No Objection Certificate”.
5. Since the authority has not taken into consideration the newly opted schools, the order dated December 1, 2025 cannot be sustained and is accordingly set aside.
6. However, to bridge the disputes between the parties, I direct the concerned authority, respondent no. 5 herein, to reconsider the issue of transfer of the petitioner in the presence of the Headmaster of the concerned school, upon adequate prior notice to both of them, by August 10, 2026. It is made clear that the respondent no. 5 will consider the transfer application strictly and in accordance with law and in line with the newly opted schools, by the petitioner.
7. With the aforestated directions, the writ petition is disposed of.

8. There shall, however, be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)