

02.04.2026
Sl. No.9
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 4406 of 2026

**Ankita Kumari
Versus
The State of West Bengal & Ors.**

Mr. Rudranil De
Mr. Gourav Das
Mr. Soumo Charan

...for the Petitioner

Mr. Pritam Choudhury

... for the DPSC, Paschim Bardhaman

Mr. Manoj Kr. Mondal

... for the State

1. Report furnished by the Chairman, District Primary School Council, Paschim Bardhaman dated 1st April, 2026 is taken on record.
2. By the present writ petition the petitioner seeks for setting aside and/or quashing of the order of transfer issued by the Chairman, District Primary School Council, Paschim Bardhaman, under Memo no. 251/DPSC/PSB/26 dated 17th February, 2026 being Annexure P2 to the writ petition.
3. The petitioner contends that she joined as an Assistant Teacher in Kasturba Gandhi Junior Basic School, P.O. Chittaranjan under Chittaranjan Circle in the District of Burdwan on 6th February, 2017. The petitioner has been approved in service. By the impugned order dated 17th February, 2026, the petitioner has been transferred from Kasturba Gandhi Junior Basic School to D.V.C. Left Bank (Unit-I) F.P. School under the same Circle. As on

19th December 2025 the school where the petitioner is presently posted had '*surplus*' teacher whereas the school to which the petitioner is transferred had '*deficit*' teacher. Be that as it may, the petitioner is not a *surplus* teacher in view of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (*in short*, '*RTE Act, 2009*'). Hence, this writ petition.

4. Mr. Rudranil De, learned Advocate appearing on behalf of the petitioner submits that the petitioner is not a surplus teacher in the present school. Referring to the report furnished by the State respondents he submits that as per the existing situation, in the event the transfer order of the petitioner is given effect to there would be a surplus teacher in the school where the petitioner has been directed to join and a deficit would arise in the present school of the petitioner. Thus, the aspect needs to be revisited by the concerned DPSC. He seeks for setting aside of the impugned transfer order and allow the petitioner to continue in her present place of posting.
5. Mr. Pritam Choudhury, learned Advocate appearing on behalf of the District Primary School Council, Paschim Bardhaman concedes to the aforesaid submissions and indicates that the impugned transfer order may be revisited taking into consideration the present situation in the concerned schools regarding Pupil Teacher Ratio (PTR).

6. As per amended provisions of Rule 3 of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 each Council shall maintain the required numbers of teachers in each school as per provisions specified in the Schedule of the RTE Act, 2009.
7. In order to consider the submissions advanced on behalf of the learned Advocates for the respective parties, it would be profitable to reproduce the norms and standards of a school in the Schedule of RTE Act, 2009 as hereunder:

Sl.No.	Item	Norms and Standards
1.	Numbers of teachers:	
(a)	For first Class to	Admitted children
fifth Class	Up to Sixty	Two
	Between sixty-one to Ninety	Three
	Between Ninety-one to one hundred and twenty	Four
	Between One hundred and twenty-one to two hundred	Five
	Above One hundred and fifty children	Five plus one Head-teacher
	Above Two hundred Children	Pupil-Teacher Ratio (excluding Head-teacher) Shall not exceed forty."

8. As per the aforesaid Schedule, in the event the number of students in a school is between ninety-one and one hundred twenty, the number of teacher has to be four and in the event the number of students is between one hundred and twenty-one to two hundred, the number of teachers has to be five.
9. As per the report furnished by the Chairman, District Primary School Council, Paschim Bardhaman, the D.V.C. Left Bank (Unit-I) F.P. School is presently running with total five teachers

and the number of pupil is 133 meaning thereby that it has requisite number of teachers as required under norms and standards. In the event the transfer order is given effect the number of teachers will increase to six and the said school will have surplus teachers. In the school where the petitioner is presently posted, i.e., Kasturba Gandhi Junior Basic School, the number of students is 95 and the total number of teachers is four which also is in consonance with the norms and standards. Again, if the petitioner is transferred to D.V.C. Left Bank (Unit-I) F.P. School, the school where the petitioner is presently posted will have a deficit.

10. Bearing in mind the above circumstances, the impugned transfer order issued by the Chairman, District Primary School Council, Paschim Bardhaman dated 17th February, 2026 is accordingly, set aside.
11. Respondent no.3, District Primary School Council, Paschim Bardhaman is directed to revisit the decision of transferring the petitioner from Kasturba Gandhi Junior Basic School, P.O. Chittaranjan under Chittaranjan Circle, District Burdwan to the D.V.C. Left Bank (Unit-I) F.P. School, within a period of three months from the date of communication of this order.
12. The petitioner will be allowed to continue in her present school, i.e. Kasturba Gandhi Junior Basic School till such decision is taken by the District Primary School Council, Paschim Bardhaman.

13. Learned advocate for the petitioner is directed to communicate this order to the concerned respondents for necessary compliance.
14. With the above direction, the writ petition being **WPA 4406 of 2026** stands disposed of.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)