

28.01.2026
DL-16
Ct. No. 18
Srimanta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6721 of 2024

Sanjay Sarkar
-Vs.-
State of West Bengal & Ors.

Mr. Shamim ul Bari,
Ms. Jhilik Singha,
Ms. Asmita Mitra

...for the petitioner.

Mr. Sunit Kumar Roy

...for the School Service Commission.

Mr. Arnab Ray

...for the respondent nos. 7 & 8.

1. The prayer of the petitioner seeking transfer stood rejected by the District Inspector of Schools on the ground that the petitioner is the single subject teacher of the school.

2. 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 1 of 2024 (Gokul Chandra Mallick Vs. The State of West Bengal & Ors.).

3. 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.

4. By a further order dated July 31, 2025 in FMA No. 995 of 2025 with CAN 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.

5. In view of the above, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to make fresh application seeking transfer in the prescribed format disclosing the ground for the same.

6. In the event such an application is made, the same shall be considered by the head of the institution in accordance with law keeping in mind the judgments/orders referred to hereinabove.

7. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of receipt of the application from the petitioner. If the application of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.

8. Suspension of the Utsashree portal will not stand in the way of the respondents to consider the application for transfer made by the petitioner.

9. The writ petition stands disposed of.

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

(Amrita Sinha, J.)