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13.05.2026
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 6603 of 2026

**Kartick Pramanick
-versus
The State of West Bengal & Ors.**

**Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal**

... for the petitioner

Mr. Sunil Kumar Roy

... for the SSC

1. The affidavit of service filed today is taken on record.
2. In spite of service, none appears for the school authorities.
3. The petitioner, an Assistant Teacher in a school had applied for a general transfer on the ground of distance. This application was made pursuant to liberty granted by this Hon'ble Court in an earlier writ petition on November 11, 2025.
4. This application of the petitioner was rejected primarily on three grounds by the school authorities. The grounds for rejection are as follows:
 - a. "The pupil-teacher ratio will increase significantly which will negatively impact the learning process.
 - b. The number of transferred teachers through Utashree portal already exceed to the ambit of ten percent of existing teachers.
 - c. As the applicant is the only teacher of that Particular subject in H.S. section".

5. Being aggrieved with the afore-stated rejection, the petitioner has approached this Court by way of the instant writ petition.
6. The grounds given for rejection by the school authorities to the transfer application of the petitioner are prima facie incorrect and not sustainable. Ground nos. 1 and 3 relating to the pupil-teacher ratio and the single subject teacher are squarely covered by the notification No.09-SE/S/IS-04/95(pt-III) dated 3rd January, 2022. This has also been conclusively interpreted by several judgments of this Hon'ble Court.
7. Insofar as the second ground is concerned, the 10% Rule is an applicable proposition, provided it is considered as on the date of the application. Clearly in this case, the rejection being made on 26.12.2025, the school authorities have considered the 10% Rule, taking into account the teachers who had already been transferred, while the 'Utsashree Portal' was functional. Clearly, the roster of teacher strength on the date of the application of the petitioner seeking transfer had not been considered.
8. In view of the afore-stated, the rejection of the petitioner's transfer application dated 26.12.2025 by the school authorities is set aside.
9. The teacher-in-charge of the respondent no.7 being the Head of the Institution is directed to re-visit and re-consider the application of the petitioner seeking transfer without in any manner reiterating the grounds stated in the matter of rejection on 26.12.2025.
10. The concerned teacher-in-charge will re-visit and re-consider the application strictly in line

with the provisions of law and particularly in terms of the notification dated 3rd January, 2022. The teacher-in-charge may only refer to the Roster of the teacher strength of the school as on the date of the petitioner's application and not for any prior period thereto.

11. The consideration will be completed by 15th June, 2026. The teacher-in-charge will forward the said application along with requisite declaration, if the petitioner is otherwise eligible to the concerned District Inspector of Schools by June 30, 2026.
12. Temporary suspension of 'Utsashree Portal' will not be an impediment for the concerned authority to consider the application for transfer of the petitioner. The same shall be considered in an offline mode.
13. With these aforesaid directions, the writ petition is disposed of.
14. There shall, however, be no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)