

WPA 7399 of 2023

Sahidul Khan
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
.... for the petitioner

Mr. Sourav Mitra
.... for the CSSC

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. In spite of service, none appears for the State authorities.
3. The petitioner is employed in a non-teaching cadre as a Librarian in the respondent no. 6.
4. The petitioner is aggrieved by the rejection of his transfer application on the ground that he is the sole incumbent to the post of Librarian by the respondent no. 6. Such rejection was made in the year 2021 and has been challenged by way of this writ petition in 2023.
5. The surrounding facts and circumstances in the said school are bound to have changed over a period of four years.
6. The rejection of the petitioner's application for transfer seems quite contrary to the dictum of this

Hon'ble Court as enshrined in the order dated August 8, 2024.

7. This Hon'ble Court has repeatedly and over a period of time from Gokul Chandra Mallick vs. State of West Bengal & Ors. in MAT 1218 of 2024 and Rupak Dhua vs. State of West Bengal & Ors. In FMA 995 of 2025 held that the single teacher issue or dealing teacher issue is contrary to a Notification of January 3, 2022 in terms of the Memorandum No. SE/S/Is-04/95 (Pt.-III).
8. The decision taken by the District Inspector of Schools is *prima facie* faulty and not in consonance with the dictum of this Hon'ble Court. However, since a long period of time has lapsed and the surrounding facts and circumstances may have changed, it would be appropriate for the petitioner to file a fresh application for transfer on the selfsame ground with the school authorities, who shall immediately issue a "No Objection Certificate" and forward the same to the District Inspector of Schools within four weeks from the date of the application, if the petitioner is otherwise eligible.
9. With the aforestated directions, the writ petition is, thus, disposed of.
10. There shall, however, be no order as to costs.

11.Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)