

06.05.2026

Item no.DL 37
Court No. 24

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 9254 of 2024

In the matter of :

RITA DANGAR

... Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioner :

Mr. Sudip Ghosh Chowdhury

... Advocate

For the Respondent / SSC :

Mr. Sunit Kr. Roy

... Advocate

For the Respondent / WBBSE :

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta

... Advocate

1. The affidavit of service filed today is taken on record.
2. In spite of service, the School Authority is not represented.
3. None appears for the Commission. Mr. Sunit Kr. Roy, learned advocate, who usually appears on behalf of the Commission is present in Court and is requested to take up the matter on behalf of the Commission. Let his appointment be regularized by the concerned authority.
4. The petitioner is an Assistant Teacher in Patharjora R.D. High School, Bankura.

5. The petitioner has made an application for transfer on own seeking on the ground of distance.
6. The said application was rejected in 2021.
7. The rejection of an earlier application by the respondent no. 3 on the ground of single teacher issue, cannot be considered in this application as this Hon'ble Court has held in 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 that the single teacher issue or dealing teacher issue is contrary to a Notification of January 3, 2022.
8. The decision taken by the Commission, is prima facie faulty and not in accordance 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 by June 30, 2026, who shall immediately issue a No Objection Certificate and forward the same to the District Inspector of Schools by July 15, 2026.

9. The respondent no.4 will deal with such application strictly in line with the decisions in Gokul Chandra Mallick (supra) and Rupak Dhua (supra) and take all consequential steps in accordance with law and irrespective of the fact whether local arrangement can be done or not.
10. 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.
11. With the aforestated directions, the instant writ petition stands disposed of.
12. There shall be no order as to costs.
13. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Reetobroto Kumar Mitra, J.)