

06.01.2026
Item no.A/L 171
Court No. 18

Sc

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 8625 of 2022**

In the matter of :

Samsad Banu

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Washef Ali Mondal

....Advocate

For the State:

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Iti Dutta.

....Advocates

For the WBCSSC:

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey.

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The prayer of the petitioner seeking transfer stood rejected by the school on the ground that the petitioner is a single-subject teacher.
3. 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.)*.
4. 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.

5. 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.
6. In the instant case, it appears that the prayer of the petitioner seeking transfer has been rejected by the school contrary to the government norms.
7. Under such circumstances, the head of the institution is directed to reconsider the petitioner's application seeking transfer in line with the judgment delivered in the matter of Rupak Dhua (supra) and forward the same to the District Inspector of Schools (SE), South 24 Parganas being the respondent no. 5 herein who shall consider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall be filled up in the manner as directed by the Hon'ble Division Bench in the matter of Rupak Dhua (supra).
8. The head of the institution shall take steps in the matter positively within a period of eight weeks from the date of communication of this order and the concerned District Inspector of Schools shall act positively within three months from the date of receipt of all documents from the school authority.
9. The writ petition stands disposed of.

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

(Amrita Sinha, J.)