

14th Jan., 2026
Item no.M/L 182
Court No. 18
Susanta, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 13040 Of 2022**

In the matter of :
Somenath Pal *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal, *....Advocates*

For the State:
Ms. Manuwar Ali,
Ms. Sujata Ghosh, *....Advocates*

For the CSSC:
Mr. Sourav Mitra *.... Advocate*

1. The petitioner seeks transfer.
2. The petitioner was appointed as Assistant Teacher in Hogolbaria Jr. High School. There are no students in the said school for many years. The petitioner has a minor child with special needs. He applied for transfer so that he may provide service for benefit of the students.
3. The application for transfer was returned by the head of the institution on 10th January, 2022 on the ground that he exceeded the 10% limit of teachers eligible for transfer.
4. Specific case of the petitioner is that apart from him, there is no other teacher in the said school. The petitioner stresses that there

is no requirement of presence in the said school as there are no students.

5. The petitioner again made application for transfer on 11th January, 2022 which has not yet been considered.
6. During the pendency of the transfer application, the petitioner has been sent on deputation to Nandanpur Jr. High School on temporary basis as the teacher-in-charge of the said school proceeded for maternity leave.
7. It has been submitted that service of the petitioner will not be required in the Nandanpur Jr. High School as there are two other teachers in the subject bio-science.
8. The petitioner prays for a direction upon the District Inspector of Schools for consideration of his application for transfer.
9. From the submission made on behalf of the petitioner it appears that Hogolbaria Jr. High School has practically become non-functional. Due to the absence of teacher and students, there is no head of the institution to consider the prayer for transfer of the petitioner.
10. Under such circumstances, the Court thinks it fit to direct the District Inspector of Schools (Secondary Education), Nadia, to consider the petitioner's application seeking transfer in accordance with the prevailing Transfer Rules at the earliest but positively within a period of eight weeks from the date of communication of this order.
11. If the application of the petitioner is allowed, then necessary consequential steps shall be taken by the authorities without any further delay.

12. Suspension of 'Utshashree Portal' will not stand in the way of the District Inspector of Schools to consider the application for transfer made by the petitioner.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)