

14th Jan., 2026
Item no.M/L 185
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 13565 of 2022**

In the matter of :
Md. Abdul Alil *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Sakti Pada Jana
Mr. Subhrojyoti Das *....Advocate*

For the State:
Mr. Santanu Kumar Mitra, Sr. Govt, Adv.
Mr. Amartya Pal *....Advocate*

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

1. The petitioner’s application for transfer on distance ground is pending consideration before the head of the institution since 8th May, 2022. Previous applications for transfer made by the petitioner stood rejected on multiple occasion on the ground that the same would be in violation of the ten percent limit of the total strength of teachers eligible for transfer.
2. Learned advocate representing the State has obtained instruction from the District Inspector of Schools, Secondary Education, Uttar Dinajpur signed on 7th July, 2025 which mentions that the school authority never forwarded the petitioner’s application for transfer to the District Inspector of Schools for which the District Inspector of

Schools could not take any steps to consider the request of the petitioner for transfer.

3. The District Inspector of Schools has been informed by the headmaster of the school that in the current academic session the pupil-teacher ratio is extremely low. If the single teacher is transferred, then students of the school will suffer.
4. Though it appears that there has not been any formal rejection of petitioner's prayer for transfer but the District Inspector of Schools has applied his mind and forwarded his opinion that the petitioner's transfer may not be accepted because of the low pupil-teacher ratio.
5. Learned advocate for the petitioner specifically submits that the petitioner is not the single teacher in the subject that he is teaching and there are two other teachers in the same subject.
6. Whether a single teacher of a school can be transferred or not has been decided by the Hon'ble Division Bench of this Court vide 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.), wherein 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.
7. In the instant case, it appears that the prayer of the petitioner seeking transfer practically stood rejected as alternative arrangement to teach the students could not be arranged. The reason for rejecting the transfer has been found to be not tenable in the eye of law by the order passed by this Court in the matters mentioned hereinabove.

8. Under such circumstances, the District Inspector of Schools (SE), Uttar Dinajpur being the respondent no. 3 herein is directed to consider the petitioner's application for transfer strictly in accordance with the prevailing transfer rules 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).
9. The entire exercise shall be completed by the concerned District Inspector of Schools preferably within three months from the date of communication of this order.
10. Suspension of the Utshasree portal shall not stand in the way of the respondent authorities to take steps in terms of the direction passed herein above.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)