08.10.2026
Sl. No.19(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14445 of 2026
Sri Tarak Nath Haldar
Versus
The State of West Bengal & Ors.

Ms. Koushikee Banerjee,
Mr. Soumyadeep Biswas
...for the Petitioner.

Mr. Lokenath Chatterjee,
Mr. Sourav Sengupta (1),
Ms. Renesa Dey
...for the State.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
...for the DPSC, Nadia.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to implement the order of transfer under Memo No.596(3)/NDPSC/26 dated 13th March, 2026 by considering the representation dated 10th June, 2026.
3. The petitioner contends that he is an Assistant Teacher of Fazilnagar Dakshin Primary School under Karimpur New Circle within Nadia District Primary School Council *(hereinafter referred to as the "DPSC").* The petitioner joined the said school on 13th February, 2017. By order of the Chairman dated 13th March, 2026, the petitioner has been transferred to Gatra GSF Primary School under Chapra South Circle from the present school. The release order was not granted as in

the meantime model code of conduct was imposed for holding West Bengal Legislative Assembly Election, 2026 which was to take place in the month of May, 2026. After the enforcement of model code of conduct ended on 7th May, 2026, the petitioner made application through speed post on 10th June, 2026 for issuance of release order. However, despite such transfer order, the concerned Sub-Inspector of Schools has not taken steps for issuance of release order. For such reasons the petitioner is unable to join the school where he is transferred. Being aggrieved by such action of the respondent authorities the petitioner has preferred the present writ petition.

4. Ms. Koushikee Banerjee, learned Advocate appearing for the petitioner submits that since the release order has not been issued by the concerned Sub-Inspector of Schools, the petitioner cannot join the school where he has been transferred. There is no plausible reason coming from the side of the respondent authorities for not issuing such release order in favour of the petitioner pursuant to the order of transfer issued by the Chairman, DPSC, Nadia. She also indicates that some of the teachers, who were granted transfer, have already been issued release order. Since the petitioner stands on the similar footing, he should also be favoured with a release order. She seeks for specific direction upon the respondent authorities particularly the respondent No.9, Sub-Inspector of Schools

(Primary Education), Karimpur New Circle to issue release order in favour of the petitioner.

5. On the contrary, Mr. Arindam Chattopadhyay, learned Advocate appearing for the DPSC, Nadia submits that as per West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 *(hereinafter referred to as the 'said Rules of 2002')* the power to transfer any teacher is solely vested with the Council. The Chairman cannot issue transfer on his own sweet will and whims. The said transfer order has not been signed by the Secretary of the Council as required under Rule 5(5) of Rules of 2002. As such the transfer order is ex facie void and illegal. The aspect of Pupil-Teacher-Ratio (*in short 'PTR'*) has also not been taken into account while issuing such transfer order which clearly violates the mandate of Right of Children to Free and Compulsory Education Act, 2009. The provision of the said Rules of 2002 has also not been followed. However, he concedes that some of the teachers have been granted release order. He concedes that already the matter of issuance of release order has been decided in favour of the petitioner therein in *Paritosh Biswas versus The State of West Bengal & Ors. (In Re: WPA No.13583 of 2026)*. The present petitioner is similarly circumstanced.

6. Upon hearing the learned Advocates for the respective parties, the only issue which falls for consideration is whether the petitioner, in the facts and circumstances of the present case, is entitled to release order

pursuant to the transfer order issued by the Chairman, DPSC, Nadia.

7. It is found that under similar circumstances in *Paritosh Biswas (supra)* this Court has allowed the prayer of the petitioner therein, directing the concerned Sub-Inspector of Schools to issue release order in favour of the petitioner.

8. In line with the aforesaid decision, the respondent No.9, Sub-Inspector of Schools (Primary Education), Karimpur New Circle is directed to issue release order in favour of the petitioner in terms of the transfer order issued by the Chairman vide Memo No.596(3)/NDPSC/26 dated 13th March. 2026 within a period of four weeks from the date of communication of this order.

9. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.9, Sub-Inspector of Schools, Karimpur New Circle, for necessary compliance.

10. With the above direction, the writ petition being **WPA 14445 of 2026** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.

14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)