

19.02.2026
Item No.04
Court No.11
KCP

MAT 1012 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025

Shatabdi Das
- Versus -
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Ankan Mondal
...for the appellant

Mr. Sabyasachi Mondal
...for the State respondents

Mr. Sunit Kr. Roy
...for the SSC

Affidavit-of-service, as filed, be kept on record. Leave is granted to correct the cause title of the affidavit-of-service.

Re : CAN 1 of 2025

As we have invited the learned Advocates appearing for the respective parties to advance their arguments on the merits of the matter, the delay in preferring the appeal is condoned. Accordingly, the application, being IA No. CAN 1 of 2025, stands disposed of.

MAT 1012 of 2025
with
IA No. CAN 2 of 2025

By preferring this intra-court appeal, the petitioner has called in question the legality of the order dated 18th

March, 2025, passed by the learned Single Judge in WPA 27046 of 2024. By the said order, the writ petition was dismissed.

Briefly stated, the facts necessary for the effective adjudication of this appeal are that the writ petitioner/appellant (hereinafter, the appellant), an Assistant Teacher of Dwarin High School, submitted an online transfer application on general grounds (distance) on 9th August, 2021. The application was not forwarded to the District Inspector of Schools concerned for follow-up action, as it was rejected by the Managing Committee of the school on 6th December, 2021.

Aggrieved thereby, the appellant filed the above writ petition in 2025, i.e., nearly three years thereafter. However, the writ petition was dismissed on the ground that her transfer application had been rejected by the Managing Committee of the school in terms of Rule 5(6) of the Transfer Rules, 2015, as she did not fall within the 10% of the existing staff of the school based on seniority and age.

The learned Single Judge relied upon a communication issued by the District Inspector of Schools dated 11th March, 2025, and observed that the said communication recorded that, at that time, there were 24 teaching staff working in the school against the sanctioned strength, and that the Pupil–Teacher Ratio was 93:1.

At the very outset, Mr. Roy, learned advocate representing the Commission, submits that this appeal cannot be entertained, since the appellant has failed to

justify the delay in approaching the Writ Court immediately after the rejection of her transfer application by the school authorities.

In response thereto, Mr. Lahiri, learned advocate appearing for the appellant, submits that the Utsashree online portal, through which teachers were required to submit their transfer applications, had admittedly been suspended. The appellant was under the bona fide impression that such suspension would be lifted and that the facility for submitting online applications would be restored to teachers; consequently, the delay occurred.

Mr. Lahiri submits that the appellant was not communicated the reason for the rejection of her transfer application by the Managing Committee of the School. He further submits that, as on 9.8.2021, the amendment to the Transfer Rules, 2015, introduced by a notification dated 8.9.2021, which for the first time referred to the Pupil–Teacher Ratio, had not come into effect. He therefore prays that the school authorities be directed to submit a report detailing the number of teaching staff and the number of transfer applications received and/or disposed of by the school authorities as on 9.8.2021.

In response, Mr. Roy submits that the appellant's transfer application was considered on 6.12.2021, by which time the amendment had already come into effect. He contends that, owing to the delay on the part of the appellant in approaching the Court, the circumstances have since changed. At present, the amendment dated 8.9.2021 is

in force, and there has also been a change in the Pupil–Teacher Ratio of the school. However, Mr. Roy further submits that, if the appellant still considers her transfer necessary, she may submit an offline application through the proper channel in the prescribed form, and, if such an application is made, the same may be directed to be considered in accordance with law.

Mr. Mondal, learned advocate representing the State, adopts the submission made by Mr. Roy.

As observed earlier, the appellant approached the Writ Court nearly three years after the rejection of her transfer application, by which time the amendment had come into effect and the concept of the Pupil–Teacher Ratio had been introduced through the incorporation of a provision under Rule 6(2)(c) of the Transfer Rules, 2015.

In such conspectus, even if we accept Mr. Lahiri’s submission that the appellant’s application ought to have been considered solely under Rule 5(6) of the Transfer Rules, 2015, and not under Rule 6(2)(c) of the amended Rules, no direction can be issued to the school authorities to reconsider the appellant’s application with reference to the position of the teaching staff as on 9.8.2021 at this stage, after the lapse of nearly four years. We do not find any reason why the appellant did not approach the Writ Court immediately after the rejection of her transfer application by the school authorities in 2021.

In view thereof, we are not inclined to interfere in the present appeal.

However, having noted the facts and circumstances, we dispose of the appeal and its connected application by granting liberty to the appellant to submit an offline application in the prescribed form to the school authority within a period of four weeks from the date of this order.

In the event that such an application is received by the school authorities, it shall be considered in accordance with the extant rules. If the application is found fit for acceptance, the school authorities shall forward it to the District Inspector of Schools. Upon receipt, the District Inspector of Schools as well as the Commission shall take all necessary follow-up action within eight weeks from the date of receipt of the application by the District Inspector of Schools.

With these observation and order, the appeal and its connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)