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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/16124/2022

Mousumi Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray, Advocate

.....for the Petitioner

Mr. Saurav Mitra, Advocate

.....for the WBCSSC

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, none appears for the School Authorities.
3. The petitioner is aggrieved by the rejection of his transfer application on the ground of single subject teacher by the respondent no. 4. Such rejection was made in the year 2021 and has been challenged by way of this writ-petition in 2022.
4. The surrounding facts and circumstances in the said School are bound to have changed over a period of five years.
5. The rejection of the petitioner's application for transfer by the School Service Commission seems quite contrary to the dictum of this Hon'ble Court as enshrined in the order dated 08.08.2024.
6. This Hon'ble Court has repeatedly and over a period of time from *Gokul Chandra Mallick vs. State of West Bengal & Ors. (MAT 1218 of 2024)* and *Rupak Dhua vs. State of West Bengal & Ors. (FMA 995 of 2025)* held that the single teacher issue or dealing teacher issue is contrary to a Notification of 03.01.2022 in terms of the Memorandum No. SE/S/Is-04/95 (Pt.-III).
7. The decision taken by the School Service Commission is *prima facie* faulty and not in consonance with the dictum of this Hon'ble Court. However, since a long

period of time has lapsed and the surrounding facts and circumstances may have changed, it would be appropriate for the petitioner to file a fresh application for transfer on the selfsame ground with the school authorities, who shall immediately issue a “No Objection Certificate” and forward the same to the District Inspector of Schools by 31.05.2026.

8. District of School Inspector of Schools being the respondent no. 5, will deal with such application strictly on the basis of and in line with Gokul Chandra Mallick (supra) and Rupak Duah (supra) within a period of four weeks from the date of forwarding the “No Objection Certificate” by the school to the respondent no. 4.
9. Upon receiving the application of the petitioner from the concerned District Inspector of Schools, the Commission will consider and dispose of the same by 31.07.2026.
10. It is made clear that the transfer of the petitioner will be considered by the Commission keeping in mind the decisions of this Hon’ble Court in Gokul Chandra Mallick (supra) and Rupak Duah (supra) and also the fact that the preferred vacancies of the petitioner have not been notified for some other recruitment process.
11. The suspension of 'Utsashree Portal' will not be an impediment for the concerned authority to consider the application for transfer of the petitioner. The same shall be considered in an offline mode.
12. With these observations, **WPA/16124/2022** is **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)

