

19.02.2026
rpan/06

FMA 1171 of 2025
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IA No.: CAN 1 of 2025
Irani Maity
– *Versus* –
The State of West Bengal & Others

Mr. Shuvro Prokash Lahiri,
... for the Appellant.

Mr. Md. Manuwar Ali,
Mr. T. Chatterjee
... for the State/Respondent
Nos.1, 2, 5 & 6.

Ms. Supriya Dubey (through V.C.)
... for the WBCSSC.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 17th April, 2025 passed by the learned single Judge in the writ petition, being WPA 4873 of 2025.

Mr. Lahiri, learned advocate appearing for the appellant submits that the notification dated 3rd January, 2022 casts a duty upon the District Inspector of Schools (SE), Paschim Medinipur [hereinafter referred to as the said DI(SE)] to take urgent step in a time-bound manner to search for a teacher on the same subject from nearby and make local arrangement so that the teacher of the other school attends the school wherefrom the appellant has applied for transfer on days of the week on a temporary basis till such time a permanent subject teacher joins.

He argues that it is a fundamental principle that a statutory authority can act only in the manner he is permitted by the statutes. There is no provision in the notification dated 3rd January, 2022 to invite any option or choice of any other teacher to volunteer in rendering service to a school from which the appellant seeks transfer. Having rightly directed the school authorities to forward the appellant's application for transfer to the said DI(SE), the learned single Judge erred in law in observing that the said DI(SE) '*shall make endeavour to find out a willing teacher*'.

Mr. Ali, learned advocate appearing for the State/respondents submits that the learned single Judge has directed consideration of the appellant's claim in the light of the notification dated 3rd January, 2022 and there is no infirmity in the order impugned.

Ms. Dubey learned advocate appearing through video conferencing for the Commission submits that no allegation has been levelled against the Commission in the writ petition.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the said notification dated 3rd January, 2022 there is no rider that the DI (SE) has to make any endeavour to find out any willing teacher of neighbouring school, who can man the post of the appellant temporarily till the regular incumbent joins

the post. The term '*willing*' does not feature in the said notification.

In view thereof, the order impugned in the present appeal is modified to the effect that the said DI (SE) shall act in strict consonance with the provisions of the said notification dated 3rd January, 2022 and the observations made in this order and take expeditious steps for filling up the resultant vacancy that may arise after the appellant is transferred. The entire exercise shall be completed by the said DI (SE) being the respondent no.6 herein preferably within a period of three months from the date of receipt of the transfer application from the concerned school.

As during pendency of the appeal, the time within which the school authorities were directed to forward the appellant's application to the said DI (SE) has already expired, the school authorities shall forward the transfer application within a period of four weeks from the date of receipt of this order.

With the above observations and directions, the appeal and the connected application are disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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