

M/L 207
21.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17305 of 2022

Prasun Biswas

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Shreyeta Mitra

Ms. Pritha Biswas

...for the Petitioner.

Mr. Rezaul Hossain

...for the State.

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

...for the WBCSSC.

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta

...for the WBBSE.

1. The application of the petitioner for transfer stood rejected on the ground that the petitioner is a single teacher in the concerned subject and there are insufficient teachers in the school.

2. Reliance has been placed on the judgment delivered by an Hon'ble Division Bench of this Court on a similar issue on August 8, 2024 in MAT No.1218 of 2024 with CAN No.1 of 2024 (Gokul Chandra Mallick –vs- The State of West Bengal & Ors.).

3. The Court was of the opinion that the notification relied upon by the authority for not disposing of the application for transfer of the petitioner casts a duty on the District Inspector of Schools to make arrangement within a time-bound manner. The Court directed the District Inspector of Schools to consider the application for transfer.

4. By a further order dated July 31, 2025 in FMA No.995 of 2025 with CAN No.1 of 2025 (Rupak Dhua – vs- The State of West Bengal & Ors.), 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.

5. Under such circumstances, the District Inspector of Schools (SE), Dakshin Dinajpur is directed to reconsider the petitioner’s application for transfer 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).

6. The entire exercise shall be completed by the District Inspector of Schools preferably within three months from the date of communication of this order.

7. The fate of the petitioner’s application shall be made known to the petitioner immediately thereafter.

8. Suspension of the Utsashree portal will not stand in the way of the authorities from taking steps in terms of the order passed hereinabove.

9. The impugned order of the head of the institution stands set aside.

10. The writ petition stands disposed of.

11. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)