

3<sup>rd</sup> Feb., 2026  
Item no.D/L-07  
Court No. 18  
pg.

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

**WPA 17411 of 2022**

**Kishalay Sarkar**  
**VS.**  
**The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri  
Ms. Ankita Dey  
Mr. Rajesh Naskar  
Mr. Ankan Mondal  
... For the petitioner

Mr. Kanak Kiran Bandyopadhyay  
... For the WBCSSC

1. The petitioner's application seeking transfer was returned by the District Inspector of Schools on 21<sup>st</sup> September, 2022 as the schools failed to make any alternate arrangement for teaching the students if the petitioner is permitted to be transferred.
2. The petitioner presses his application for transfer.
3. 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 1 of 2024 (Gokul Chandra Mallick Vs. The State of West Bengal & Ors.).
4. 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.

5. By a further order dated July 31, 2025 in FMA No. 995 of 2025 with CAN 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.

6. It appears that more than three years have elapsed from the date the application of the petitioner seeking transfer stood disallowed by the Commission. There may have been change in the staff strength of the school in the meantime.

7. In view of the above, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to make fresh offline application seeking transfer in the prescribed format disclosing ground for the same.

8. In the event such an application is made, the same shall be considered by the head of the institution in accordance with law. The ground of non-availability of alternate teacher cannot be relied

upon by the authority to reject the prayer of the petitioner.

9. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of receipt of the application from the petitioner.

10. If the application of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.

11. The fate of the petitioner's application shall be made known to the petitioner.

12. Suspension of the Utsashree portal will not stand in the way of the respondents to consider the application for transfer made by the petitioner.

13. The writ petition stands disposed of.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

**(Amrita Sinha, J.)**