

M/L 217
21.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17916 of 2022

Haroprasad Mistry

Vs.

The State of West Bengal & Ors.

Mr. Saibal Acharya

Mr. Arka Bhattacharya

...for the Petitioner.

1. Affidavit of service filed on behalf of the petitioner in Court today be kept with the records.
2. The petitioner's application seeking transfer was returned by the head of the institution on September 1, 2021 with the observation that the petitioner holds the single post of Physical Education. The petitioner presses for transfer.
3. It appears that a considerable period of time has elapsed from the date the petitioner's application stood rejected.
4. 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.).
5. 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.

6. 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.

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 the 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 keeping in mind the judgments/orders referred to hereinabove.

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

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

11. The writ petition stands disposed of.

12. 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.)