

21.01.2026
Item no.A/224
Court No. 18
Sc

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 18601 OF 2022**

In the matter of :
Susanta Roy *Petitioner*
VS.
The State of West Bengal & Ors. *Respondents*

For the Petitioner:
Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas.
..... *Advocates*

For the State:
Mr. Munshi Mijanur Rahaman
..... *Advocate*

For the WBCSSC:
Mr. Sourav Mitra
..... *Advocate*

For the WBBSE:
Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya.
..... *Advocates*

1. The petitioner’s application for transfer stood rejected on 1st September, 2021 on the ground that she does not fall within the 10% teachers’ strength eligible for transfer.
2. The petitioner presses for transfer.
3. It appears that considerable period of time has lapsed from the day the application of the petitioner for transfer stood rejected. Staff strength may have changed in the meantime.
4. Accordingly, the instant writ petition stands disposed of with the observation that it will be open for the

petitioner to file a fresh application offline seeking transfer in the prescribed format disclosing ground for the same.

5. The Head of the Institution shall consider the same in accordance with the prevailing transfer rules at the earliest but positively within a period of eight weeks from the date of making the application.
6. The respondents authorities shall keep in mind the judgment passed by the Hon'ble Division Bench of this Court on 31st July, 2025 in **FMA 995 of 2025 with IA No.: CAN 1 of 2025 Rupak Dhua Vs. The State of West Bengal & Ors.** wherein the Court took note of the notification dated 3rd January, 2022 amending the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.
7. The Court was of the opinion that the aforesaid notification states that it would be an obligation on the part of the District Inspector of Schools (S.E.) to take urgent steps in a time bound manner to search for a teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the single teacher had applied for transfer. The petitioner's 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.

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

9. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.

8. Urgent Photostat certified copy of this order, if applied for, be furnished after completion of all requisite formalities.

(Amrita Sinha, J.)