

14-01-2026
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.19088 of 2024
Susan Basak @ Susan Basak Mukherjee

-vs-

The State of West Bengal & Ors.

Mr. Sajal Kanti Bhattacharya
Mr. S. Burman ...for the petitioner

Ms. Nilanjana Banerjee Pal ...for the State

Mr. Kanak Kiran Bandyopadhyay ...for WBCSSC

Ms. Koyeli Bhattacharyya ...for the Board

1. The petitioner's application seeking transfer is pending disposal before the District Inspector of Schools (SE), North 24 Parganas. The said authority failed to make any local arrangement of a teacher for teaching students in the event the petitioner is transferred from the school where he is currently teaching.
1. The issue as to whether the respondents can sit tight over the application seeking transfer in the event of non-availability of a willing teacher to teach the students on transfer of the applicant teacher has been decided 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.

2. 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 (SE) 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.

3. The petitioner presses with her claim for transfer.

4. In view of the above, the school authority and the District Inspector of Schools (SE), North 24 Parganas is directed to take steps to consider the petitioner's application seeking transfer in accordance with the prevailing transfer Rules and in line with the order passed by the Hon'ble Division Bench in the matter of Rupak Dhua (supra) at the earliest, but positively within a period of eight weeks from the date of communication of this order.

5. If the prayer of the petitioner is allowed, then necessary consequential steps in accordance with law shall be taken by the authority. The fate of the application for transfer shall be communicated to the petitioner.

6. Suspension of the Utsashree portal will not stand in the way of the respondent authorities from considering the application of the petitioner.

7. The writ petition stands disposed of.

8. Affidavit of service filed in Court today is taken on record.

9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]