

2nd Feb., 2026

Item no. A- 36
Court No. 18

pg.

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WPA 19061 of 2022

Dipankar Biswas

-versus

The State of West Bengal & Ors.

Mr. Ujjal Ray

Mr. Sk. Abdur Rahim

...For the petitioner

Mr. Malay Singh

Ms. Neelam Singh

... For the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

...For the WBCSSC

1. The petitioner's application seeking transfer was returned by the head of the institution on 11th September, 2021 on the ground that the petitioner was holding single Group-D post in the school.
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. As the law dealt with in the matter of Rupak Dhua (supra) is applicable in respect of non-teaching staff also, accordingly, the ratio of the judgment in the matter of Rupak Dhua (supra) shall be applicable in the case of the petitioner.

7. It appears that nearly four years have elapsed from the date the application of the petitioner seeking transfer stood disallowed by the head of the institution. There may have been change in the non-teaching staff strength of the school in the meantime.

8. 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.

9. 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 holding single post cannot be invoked for rejecting the prayer of the petitioner.

10. 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.

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

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

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

14. The writ petition stands disposed of.

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

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

(Amrita Sinha, J.)