

21st Jan., 2026
Item no.M/L 237
Court No. 18
Susanta, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19369 Of 2022**

In the matter of :
Moloy Rakshit
VS. *.... Petitioner*

The State of West Bengal & Ors.
....Respondents

For the Petitioner:
Mr. Ujjal Ray,
Mr. Sk. Abdur Rahim
....Advocates

For the State:
Mr.Arindam Chattopadhyay
Ms. Lipika Chatterjee
....Advocate

For the WBCSSC:
Mr. Kanak Kiran Bandopadhyay
.... Advocate

1. Affidavit-of-service filed in Court be taken on record.
2. The petitioner’s application seeking transfer on spouse medical ground stood rejected by the School Managing Committee on 28th August, 2021 on the ground that 10% teachers of the total teachers’ strength have already been released on transfer and the pupil teacher ratio is not commensurate with the roll strength permitting transfer.
3. The petitioner made further application and the same was returned by the head of the institution on 22nd August, 2022 with the remark that the petitioner was a single subject teacher.
4. Learned advocate for the petitioner refers to the West Bengal (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 as amended in the year 2021 which mentions that if

the application for transfer is made on medical ground, then the requirement of maintaining the pupil teacher ratio and the condition of not allowing more than 10% of the total teachers' strength for transfer, is liable to be dispensed with.

5. As per the Transfer Rules, in case of an application for transfer on medical ground the requirement of considering the roll strength and the 10% ratio eligible for transfer are to be dispensed with. While considering application for transfer on medical ground if resultant vacancy of the school becomes zero or does not commensurate with the roll strength, then the school managing committee shall approach the Central School Service Commission through the concerned District Inspector of Schools for filling up the vacancy. The authority cannot invoke the grounds mentioned in the impugned order of rejection for rejecting the prayer for transfer on medical ground.
6. In the instant case it is seen that even though the petitioner applied for transfer on medical ground, the respondent authority applied an incorrect yardstick to consider the same. The exceptions for consideration of an application seeking transfer on medical ground have not been followed.
7. In view of the above, the grounds for not allowing the petitioner's prayer for transfer stands set aside.
8. The head of the institution is directed to re-consider the prayer of the petitioner seeking transfer strictly in accordance with the Transfer Rules, 2015, as amended, and take a decision on the petitioner's prayer at the earliest but positively within a period of eight weeks from the date of communication of this order. If

required, further medical checkup of the petitioner's spouse may be conducted by the Block Medical Officer of Health.

9. If the medical report discloses any ground on which transfer may be allowed, then necessary consequential steps shall be taken by the authorities without any further delay.

10. The writ petition stands disposed of.

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

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

(Amrita Sinha, J.)