

21st Jan., 2026
Item no.M/L 244
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19727 of 2022**

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

For the Petitioner:
Mr. Ujjal Ray
Mr. Sk. Abdur Rahim *....Advocates*
For the WBCSSC:
Mr. Kanak Kiran Bandopadhyay *....Advocate*

1. The application of the petitioner stood rejected by the head of the institution on 17th April, 2022 as the petitioner is a single-subject teacher.
2. 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.).
3. 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.
4. 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.

5. Under such circumstances, the District Inspector of Schools (SE), South 24-Pargana being the respondent no. 5 herein is directed to consider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall be filled up in the manner as directed by the Hon'ble Division Bench in the matter of Rupak Dhua (supra).
6. The entire exercise shall be completed by the concerned District Inspector of Schools preferably within three months from the date of communication of this order despite suspension of the Utsashree portal.
7. The impugned rejection of head of the institution stands set aside.
8. The writ petition stands disposed of.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)