

21st Jan., 2026
Item no.M/L 251
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19972 of 2022**

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

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

For the WBCSSC:
Mr. Dr. Sutanu Kr. Patra
Ms. Supriya Dubey *....Advocate*

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

1. The prayer of the petitioner seeking transfer stood rejected by the Central School Service Commission on the ground that 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. The application of the petitioner was thereafter returned to him by the head of the institution with the remark 'lack of teacher'. As the law in this regard has been settled by the Court in the matters referred to herein above, accordingly, the head of the institution is directed to reconsider the petitioner's application and if the same is allowed then forward the same to the District Inspector of Schools (SE), South 24 Parganas being the respondent no. 4 herein at the earliest but positively within a period of eight weeks from the date of communication of this order.
6. The DI of Schools shall 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) at the earliest but positively within eight weeks from the date of receiving the document from the school authority.
7. The fate of the petitioner's application shall be made known to the petitioner.
8. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)