

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20046 of 2022

Labanya Mishra
-versus
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
...For the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...For the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya
... For the WBBSE

1. The prayer of the petitioner seeking transfer stood rejected 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. 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), Purulia 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 impugned rejection stands set aside.

10. The writ petition stands disposed of.

11. All parties are to act on the 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 given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)