

04.02.2026
Item no.111 ML
Subrata
Bhattacharyya

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA No.21567 of 2022**

In the matter of :

Utsab Mukhar Sarkar

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Debolina Chakraborty

For the WBCSSC:

Mr. Sourav Mitra

For the WBBSE:

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

For the State:

Mr. Uttam Kumar De

1. Affidavit-of-service filed in Court today is taken on record.
2. The application of the petitioner for transfer was forwarded by the head of the institution to the District Inspector of Schools on 21st December, 2021 with the remark that assistant teacher of language group is urgently needed in the school. The District Inspector of Schools returned the application to the head of the institution on 17th February, 2022 with the request not to reject the case of the petitioner. The application for

transfer is still pending consideration at the end of the head of the institution.

3. The petitioner presses for transfer.
4. It appears that considerable period of time has lapsed from the day the application of the petitioner for transfer stood rejected. Staff strength may have changed in the meantime.
5. Accordingly, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to make fresh application offline seeking transfer in the prescribed format disclosing the ground for the same.
6. In the event such an application is made, the same shall be considered by the head of the institution in accordance with the prevailing transfer rules and law laid down by the Hon'ble Division Bench of this Court on 31st July, 2025 in the matter of ***Rupak Dhua Vs. The State of West Bengal & Ors. [FMA 995 of 2025 with IA No.: CAN 1 of 2025]*** wherein the Court took note of the notification dated 3rd January, 2022 amending the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.
7. The Court was of the opinion that the aforesaid notification states that it would be an obligation on the part of the District Inspector of Schools (SE) to take urgent steps in a time bound manner to search for a

teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the single teacher had applied for transfer. The petitioner's 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. A decision shall be taken at the earliest but positively within a period of eight weeks from the date of filing of the application.

8. The fate of the petitioner's application shall be made known to the petitioner.
9. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.
10. The writ petition stands disposed of.
11. Certified copy of this order, if applied for, be furnished after completion of all requisite formalities.

(Amrita Sinha, J.)