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28.01.2026  
Ct No.11  
rrc

**MAT 1555 of 2025**  
**with**  
**IA No. CAN 1 of 2025**  
(Koyel Mitra Vs. State of West Bengal & Ors.)

**Mr. Shuvro Prokash Lahiri**  
**Mr. Rajesh Naskar**  
**Mr. Ankan Mondal**

**... For the appellant**

**Mr. Swapan Kumar Datta, Ld. Govt. Pldr.**  
**Mr. Saibal Acharyya**

**..... For the State respondents**

**Mr. Kanak Kiran Bandyopadhyay**  
**..... For the W.B.C.S.S.C.**

The present appeal has been preferred challenging a judgment dated 19<sup>th</sup> August, 2025 passed by the learned single Judge in the writ petition being WPA No. 15796 of 2025. In terms of an earlier order passed in the present appeal, the affidavits have been exchanged by the appellant and the State respondents. Let the affidavits exchanged, as filed, be kept on record.

Drawing our attention to the contents of paragraph 15 of the order impugned, Mr. Lahiri, learned advocate appearing for the appellant submits that the learned single Judge has erroneously imposed a pre-condition pertaining to a local arrangement that is required to be made by the respondent no. 4 within a time bound manner as laid down in the government notification dated 3<sup>rd</sup> January, 2022.

He argues that a perusal of the memo dated 26<sup>th</sup> August, 2025 issued by the respondent no. 4, as annexed to the affidavit-in-opposition filed by the respondent no.4, would reveal that the said respondent has intended to keep

the appellant's claim in abeyance for an indefinite period by seeking a letter of consent from the respective Headmasters of three neighbouring schools for placement of a teacher who can be transferred in the resultant vacancy that would occur with the transfer of the appellant though there is no such requirement in the notification dated 3<sup>rd</sup> January, 2022. In terms of the said notification, the respondent no. 4 is the competent authority to conduct a search and to take a decision.

He further submits that in the present case, the appellant's claim for transfer has been kept in abeyance for a period of about four years. Presently in the appellant's school, namely, Chuprijhara Khaldhar Para Junior High School (hereinafter referred to as the said school) there is a surplus of teaching staff. The said school has only 25 active students and there are 4 teachers including the appellant, as would be explicit from a memo dated 31<sup>st</sup> July, 2025 issued by the Sub-Inspector of Schools, Kultali (South) Circle. In support of the arguments advanced reliance has been placed upon the judgments delivered in the cases being MAT 1218 of 2024 of (*Gokul Chandra Mallick Vs. The State of West Bengal & Ors.*) and FMA 995 of 2025 (*Rupak Dhua Vs. The State of West Bengal & Ors.*).

Mr. Datta, learned Government Pleader appearing for the State respondents submits that local arrangement in terms of the notification dated 3<sup>rd</sup> January, 2022 can be made by the respondent no.4 only in the event a teacher

from a neighbouring school is found. Such conditions are inextricably bound and as such the said respondent has rightly issued letters to neighbouring schools to find out a suitable teacher.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The notification dated 3<sup>rd</sup> January, 2022 provides, *inter alia*, that *‘the DI (SE) will take urgent step in 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 teacher concerned has applied for transfer on limited days of the week on a temporary basis till such time a permanent teacher on that subject joins’*. Such decision has to be taken by the respondent no.4 considering the roll strength and the teacher strength in the neighbouring schools. In the present case, the appellant’s application for transfer is pending for a period of more than four years. It further appears from the memo dated 31<sup>st</sup> July, 2025 that the said school in which the appellant is presently working has a surplus of teaching staff.

In the light of such circumstances, the judgment impugned is modified to the effect that the respondent no. 4 shall take a decision identifying the teacher who can be placed in the vacancy that would arise with the transfer of the appellant and make a local arrangement in terms of the notification dated 3<sup>rd</sup> January, 2022, upon granting an

opportunity of hearing to all the interested parties and communicate such decision to the appellant preferably within a period of 12 (twelve) weeks from the date of communication of this order.

It is made clear that this order is being passed in the peculiar facts and circumstances of the case and the same shall not be treated as a precedent.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Partha Sarathi Chatterjee, J.)    (Tapabrata Chakraborty, J.)**