

S/L 26
16.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23047 of 2023

Basir Mallik

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Shreyeta Mitra

Ms. Debalina Chakraborty

...for the Petitioner.

Mr. Shamim ul Bari

Ms. Indrani Nandi

...for the State.

Mrs. Koyeli Bhattacharyya

Mr. Bibek Dutta

Mr. Manas Bhattacharyya

...for the WBBSE.

1. Affidavit of service filed by the petitioner in Court today be retained with the records.
2. The petitioner's application seeking transfer was returned by the head of the institution on December 9, 2021 with the remark that the petitioner is a single subject teacher.
3. The petitioner presses for transfer.
4. It appears that considerable period of time has elapsed from the day the application of the petitioner for transfer stood rejected. Staff strength of the school 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 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.

8. A decision shall be taken at the earliest but positively within a period of eight weeks from the date of filing of the application.

9. The ground of single-subject teacher cannot be relied upon by the authority to reject the prayer of the petitioner.

10. The fate of the petitioner's application shall be made known to the petitioner.

11. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.

12. The writ petition stands disposed of.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)