

08.04.2026
Ct. No.24
Sl. No.17
akd

W. P. A. 23532 of 2022

[Gautam Nath -Vs- The State of West Bengal & Ors.]

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
Ms. Upasana Sarkar
... ... for the petitioner

Mr. Sourav Mitra
... ... for respondent no. 3
[West Bengal Central School Service Commission]

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
... ... for respondent no. 2
[West Bengal Board of Secondary Education]

1. Affidavit-of-service filed in Court today is taken on record.
2. In spite of service, none appears on behalf of the school authority.
3. The petitioner's application seeking transfer was returned by the Head of the institution on April 19, 2022 with the remarks that the petitioner is exceeding 10% of the total teaching strength.
4. The petitioner presses for transfer.
5. It appears that a 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.
6. 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 by May 15, 2026.

7. 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 July 31, 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 January 3, 2022 amending the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.

8. The Court was of the opinion that the aforesaid notification states that it would be an obligation on the part of the concerned 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 concerned District Inspector of Schools (SE) to take expeditious steps for filling up the resultant vacancy that might arise after the candidate's transfer is allowed.

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

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

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

12. Suspension of the '*UTSASHREE*' portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.

13. With the afore-stated directions, the writ petition is disposed of.

14. There shall be no order as to costs.

15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)