

S/L 14
10.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23637 of 2022

Arup Dutta

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray

...for the Petitioner.

Mr. Sourav Mitra

Mr. Sunit Kumar Roy

...for the SSC.

1. Affidavit of service filed in Court today be retained with the records.
2. The petitioner is a pure science teacher in Physics in the higher secondary section of the school. His application for transfer stood rejected by the District Inspector of Schools (Secondary Education), North 24 Parganas by passing order on August 12, 2022 with the observation that the school does not have students in Physics in the higher secondary section for the last three years. The same does not necessarily mean that there will be no student in Physics in the higher secondary section of the school in future. The school cannot close the opportunity to avail physics as a subject for any willing student in future.
3. The prayer for transfer stood rejected as the petitioner is a single subject teacher in Physics in the higher secondary section of the school.
4. Learned advocate representing the petitioner relies on the data collected from the Unified District

Information System for Education Plus for the academic year 2025-2026 in respect of the subject school in support of the submission that science stream in the said school is no longer functional.

5. Learned advocate for the petitioner submits that the petitioner is made to take classes of the junior section of the said school. Prayer has been made to consider the petitioner's application seeking transfer.

6. Learned advocate for the Commission submits, upon instruction that, the matter may be referred to the Commissioner of School Education for taking a decision in the matter.

7. Upon hearing the submission made on behalf of both the parties and on perusal of the documents placed before this Court, it appears that the petitioner's prayer seeking transfer stood rejected way back in August 2022 on the ground of single subject teacher and non-availability of students.

8. The petitioner presses his application for transfer relying on the submission that the science stream of the school has stopped operation. A considerable period of time has lapsed in the meantime.

9. 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.

10. 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.

11. 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.

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

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

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

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

16. The impugned communication of rejection stands set aside.

17. The writ petition stands disposed of.

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

(Amrita Sinha, J.)