

S/L 14
09.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 24388 of 2022

Shyamal Kumar Maiti

Vs.

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

...for the Petitioner.

Ms. Sima Adhikari

Ms. Kakali Naskar

...for the State.

Mr. Sourav Mitra

...for the WBCSSC.

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner's application seeking transfer was returned by the District Inspector of Schools to the head of the institution with the observation to follow the order of the Commissioner of School Education, West Bengal dated January 3, 2022 pertaining to transfer of single teachers.

3. As per the aforesaid Government Order, the District Inspector of Schools is required to take steps for making alternative arrangement for teaching the students in the event the petitioner's application for transfer is allowed. It was absolutely improper for the District Inspector of Schools to return the application of the petitioner to the head of the institution.

4. Learned advocate representing the State respondent submits, upon instruction, that the District Inspector of Schools tried to make alternative

arrangements, but none of the teachers of the nearby schools agreed to teach the students.

5. Whether a single teacher of a school can be transferred or not has been decided by the Court on 31st July, 2025 in **FMA 995 of 2025 + IA No.: CAN 1 of 2025 *Rupak Dhua Vs. The State of West Bengal & Ors.*** 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.

6. 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 (S.E.) 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.

7. Under such circumstances, the District Inspector of Schools (SE), Howrah being the respondent no. 3 herein is directed to consider the petitioner's application for transfer and dispose of the same in accordance with law irrespective of the fact whether any alternative arrangement could be made or not. The resultant vacancy on the transfer of the petitioner shall

be filled up in the manner as directed by the Hon'ble Division Bench in the matter of Rupak Dhua (supra).

8. The entire exercise shall be completed by the concerned District Inspector of Schools preferably within three months from the date of communication of this order despite suspension of the Utshasree portal.

9. The writ petition stands disposed of.

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

(Amrita Sinha, J.)