

WPA 24892 of 2023

Ashim Joddar
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
.... for the petitioner

Mr. Sunit Kr. Roy
.... for the SSC
Ms. Koyeli Bhattacharya
Mr. Bibek Dutta
.... for the WBBSE

1. 1. The affidavit of service filed today is taken on record.
2. In spite of service, the School Authority is not represented.
3. The petitioner is an Assistant Teacher in Dingalhati M.L. Paul High School (HS), Hooghly.
4. The petitioner has made an application for transfer on own seeking on the ground of distance.
5. The said application was rejected in 2022.
6. The rejection of an earlier application by the respondent no. 5 on the ground of single teacher issue, cannot be sustained as it is not in consonance with the dictum of this Hon'ble Court as held in Gokul Chandra Mallick vs. State of West Bengal & Ors, in MAT 1218 of 2024 and Rupak Dhua vs. State of West Bengal & Ors., in FMA 995 of 2025 that the

single teacher issue or dealing teacher issue is contrary to a Notification of January 3, 2022.

7. The decision taken by the District Inspector of Schools, is prima facie faulty and not in accordance with the dictum of this Hon.ble Court. However, since a long period of time has lapsed and the surrounding facts and circumstances may have changed, it would be appropriate for the petitioner to file a fresh application for transfer on the selfsame ground with the school authorities by April 30, 2026, who shall immediate issue a No Objection Certificate and forward the same to the District Inspector of Schools by May 30, 2026.

8. The respondent no. 5 will deal with such application strictly and in line with the decisions in Gokul Chandra Mallick (supra) and Rupak Dhua (supra) and take all consequential steps in accordance with law and irrespective of the fact whether local arrangement can be done or not.

9. Temporary suspension of Utsashree Portal' will not be an impediment for the concerned authority to consider the application for transfer of the petitioner. The same shall be considered in an offline mode.

10. With these aforesaid directions, the writ petition is disposed of.

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

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)