

13/02  
2026

AD-11/24  
266312  
NANDY

(DO)

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

WPA 26583 of 2025

**PANKAJ KUMAR DAS  
Vs.  
THE STATE OF WEST BENGAL & ORS.**

Mr. Firdous Samim, Advocate  
Ms. Gopa Biswas, Advocate  
Ms. Ankita Ghosh, Advocate

.....for the Petitioners

Mr. Jagabandhu Ray, Advocate  
Mr. Jaydip Basu, Advocate

.....for the State

Mr. Subhrangsu Panda, Advocata  
Ms. Ina Bhattacharya, Advocate  
Ms. Mithu Singha Mahapatra, Advocate

.....for the College Service Commission

1. The petitioner, a Scheduled Caste (SC) candidate teaching Political Science, seeks transfer from the current institution i.e. B. R. Ambedkar College, Nadia to Vivekananda College, Alipurduar.
2. The petitioner has some serious health issues on account whereof, the petitioner has sought for transfer. However, he had not specified any particular College to which he wanted such transfer. However, in the course of hearing of WPA 29718 of 2024, he had mentioned Vivekananda College as one of his choices.
3. Pursuant to the direction of this Hon'ble Court in the afore-stated writ-petition, a reasoned order was passed on 28.03.2025 by the respondent no. 2. It is this reasoned order of 28.03.2025, which has been assailed in the present writ-petition.
4. The petitioner submits that no ground has been given as to why the petitioner cannot be granted the transfer except for a fleeting remark that there is no vacancy in the said College. However, in the third page of the order, the incumbent has recorded that

there is a vacancy in the Vivekananda College in the S.C. category. The petitioner is a S.C. candidate.

5. Mr. Ray, learned Advocate appearing for the State has raised two issues in defence of the impugned order.
6. The first that the order has considered all aspects and has held that the transfer of the petitioner from his present College to Vivekananda College is “likely to have an adverse effect on the teacher-pupil ratio”.
7. The second point of defence is that transfer is not a matter of right.
8. I have heard the learned Advocates appearing for the parties.
9. It is true and well-accepted that transfer is not a matter of right and neither should the constitutional court intervene in judicial review in the matter of transfer until or unless *male fides* are shown or there is a gross violation of law.
10. In the present case, there is no basis for the concerned authority to come to the conclusion that the transfer of the petitioner from B.R. Ambedkar College would create any inconsistency or imbalance in the teacher-pupil ratio. In fact, there is not a single word as to the number of teachers and number of students, which are there in the said College.
11. Thus, without any finding to this effect, the conclusion by the authority that his transfer would likely have an adverse effect on the teacher-student ratio, is nothing short of violation of the provisions of law.
12. The authority has also not adverted to the fact as to why the petitioner, a S.C. candidate, cannot be transferred to the Vivekananda College, which has a vacancy in the S.C. category, in the subject of

Political Science.

13. A third aspect was raised by Mr. Ray, at the fag end. This third aspect is that the application for transfer by the petitioner was not in the proper form.
14. In view of the discussion afore-stated, the order of 28.03.2025, cannot be sustained. The order is thus set aside.
15. However, if indeed the application is not in proper form, it would not be trite at this juncture to direct the petitioner to be transferred to Vivekananda College.
16. In view of the afore-stated, I direct the petitioner to make a fresh application in the proper form seeking transfer, with the respondent no. 2, which the respondent no. 2 will consider and dispose of by 30.03.2026 upon giving a prior hearing to the petitioner, who shall be entitled to disclose necessary documents, if so advised.
17. With the afore-stated directions, **WPA 26583 of 2025** is **disposed of**. No order as to costs.

**(Reetobroto Kumar Mitra, J.)**