

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26726 of 2025

Shyamal Dutta
VS.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
... For the Petitioner

Ms. Molly Saha
... For the State

Mr. Kunal Ganguly
... For the WBBSE

Mr. Sunit Kumar Roy
Ms. Susmita Mondal
... 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 head of the institution on 30th September, 2022 relying on the remark made by the District Inspector of Schools regarding single-subject teacher.
3. The petitioner presses his application for transfer.
4. Reliance has been placed on the judgment delivered by an Hon'ble Division Bench of this Court on a similar issue on August 8, 2024 in MAT No.

1218 of 2024 with CAN 1 of 2024 (Gokul Chandra Mallick Vs. The State of West Bengal & Ors.).

5. The Court was of the opinion that the notification relied upon by the authority for not disposing of the application for transfer of the petitioner casts a duty on the District Inspector of Schools to make arrangement within a time-bound manner. The court directed the District Inspector of Schools to consider the application for transfer.

6. By a further order dated July 31, 2025 in FMA No. 995 of 2025 with CAN 1 of 2025 (Rupak Dhua Vs. The State of West Bengal & Ors.), the Hon'ble Division Bench was pleased to observe that the 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.

7. It appears that nearly four years have elapsed from the date the application of the petitioner seeking transfer stood disallowed by the District Inspector of Schools. There may have been change in the staff strength of the school in the meantime.

8. In view of the above, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to make fresh offline

application seeking transfer in the prescribed format disclosing ground for the same.

9. In the event such an application is made, the same shall be considered by the head of the institution in accordance with law.

10. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of receipt of the application from the petitioner.

11. If the application of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.

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

13. Suspension of the Utsashree portal will not stand in the way of the respondents to consider the application for transfer made by the petitioner.

14. The writ petition stands disposed of.

15. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)