

06.05.2026

Item no.DL 69
Court No. 24

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 27051 of 2025

In the matter of :

MADHUSUDAN DE

... Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioner :

Mr. Bidyut Kr. Halder

Mr. Indranil Halder

... Advocates

For the Respondent / SSC :

Mr. Sunit Kr. Roy

Ms. Susmita Mondal

... Advocates

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. In spite of service, there is no representation on behalf of any of the respondents.
3. Mr. Sunit Kr. Roy, learned advocate, who usually appears on behalf of the Commission is present in Court and is requested to take up matter on behalf of the Commission. Let his appointment be regularized by the concerned authority.
4. The petitioner, an Assistant Teacher in a school, had applied for transfer on the dual ground of medical and distance. The said application was

rejected in 2021 on the ground that the petitioner was the single teacher in his subject.

5. Mr. Halder, learned advocate appearing for the petitioner, submits that he is not a single teacher and in any event, this Hon'ble Court by its decision passed in MAT 1218 of 2024 [Gokul Chandra Mallick vs. State of West Bengal & Ors.] and FMA 995 of 2025 [Rupak Dhua vs. State of West Bengal & Ors.] had unequivocally held that a single teacher cannot be a ground to refuse or reject the transfer of an incumbent teacher.
6. Since a long period of time has been lapsed when the application was rejected in 2021, it would be trite that the petitioner files a fresh application for transfer on the self-same ground as made in the earlier application. Let such application be filed by the petitioner within May 31, 2026 to the school authorities who shall consider and forward the same, if the petitioner is found to be otherwise eligible, by June 15, 2026 to the concerned District Inspector of Schools.
7. The concerned District Inspector of Schools will consider the application for transfer by June 30, 2026 for onward progression of the same to the Commission.

8. It is made absolutely clear that the authorities will consider this application in line with the dictum of this Hon'ble Court in Gokul Chandra Mallick (supra) and Rupak Dhua (supra) by the timeline as specified hereinbefore.
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 the aforestated directions, the instant writ petition stands disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Reetobroto Kumar Mitra, J.)