

S/L 10
12.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28383 of 2022

Debarati Santra

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray
Sk. Abdur Rahim

...for the Petitioner.

Mr. Sunit Kumar Roy

...for the SSC.

1. The petitioner's application seeking transfer stood disallowed by the head of the institution on September 6, 2022 with the remark 'single teacher 662 students only six teacher for v to xii class'.

2. The petitioner sought transfer on special ground of her husband dying prematurely. The petitioner has relied upon the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 wherein it is mentioned that the female incumbent facing serious problem in attending the school due to divorce or death of husband is a ground for transfer.

3. The petitioner presses for transfer.

4. It appears that a considerable period of time has elapsed from the date the application of the petitioner seeking transfer stood rejected.

5. Upon hearing the submission made on behalf of both the parties, 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.

6. In the event such an application is made, the same shall be considered by the head of the institution strictly in accordance with the prevailing transfer rules and keeping in mind that the said application has been made on special ground and there is no scope for disallowing such application on the ground of low pupil teacher ratio and the 10% bar will not be applicable.

7. The head of the institution shall issue the no objection certificate in favour of the petitioner provided there is no other embargo and forward the same to the District Inspector of Schools for consideration at the earliest but positively within a period of six weeks from the date of receipt of the application from the petitioner.

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

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

10. Suspension of the Utsashree portal will not stand in the way of the authorities from taking steps in terms of the order passed hereinabove.

11. The writ petition stands disposed of.

12. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

13. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)