

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28417 of 2025

Pintu Kanthal
v.
The State of West Bengal & Ors.

Mr. Shamim Ul Bari
Ms. Asmita Mitra
... For the petitioner

Mr. Wasim Ahmed
Mr. M. Shehabuddin
... For the State

Mr. Sunit Kumar Roy
Mr. Rahul Kumar Singh
Ms. Susmita Mondal
... For the WBCSSC

Ms. Saswati Chatterjee
... For the WBBSE

1. Perused the instruction forwarded by the District Inspector of Schools (Secondary Education), South 24-Parganas signed on 29th January, 2026. It appears therefrom that, the petitioner was appointed as Assistant Teacher in Routara Mahendranath Memorial High School, Habra, in the year 2013 and he stood transferred to Ramrick Higher Secondary Institution on 26th December, 2021 and further transferred to Rajibpur High School (HS) in the year 2023.

2. In line with the rationalization policy adopted by the Government of West Bengal, the West Bengal Board of Secondary Education transferred the petitioner to Rajibpur High School (HS) in August, 2023

as he was a surplus teacher in Ramrick Institution. On cancellation of the order of transfer on 11th April, 2025, the petitioner has been directed to revert to Ramrick Institution.

3. The petitioner submits that he will remain a surplus teacher in Ramrick Institution. The petitioner prays that he may be permitted to continue in Rajibpur High School as there are vacancies in the said school.

4. Learned advocates representing the West Bengal School Service Commission and the State respondents submit that in the year 2023 several teachers were transferred from one school to the other only for the purpose of implementation of the rationalization policy of the State. Surplus teachers from schools were transferred to the schools with deficit teachers. In the year 2025 the aforesaid transfer order was cancelled by the Deputy Secretary to the Government of West Bengal by taking an administrative decision.

5. It has been submitted that as the order of cancellation of the transfer order dated 11th April, 2025 was passed *en masse* in respect of teachers, any order interfering with the said order of cancellation may open floodgates and teachers who have been directed to revert to their earlier place of posting may approach the Court for relief.

6. The Court has considered the submissions made on behalf of all the parties. Admittedly, it appears

that the order of cancellation of transfer impugned in the instant writ petition was not passed only in respect of the petitioner but was passed in respect of several teachers. Many of the teachers may have accepted the said order or cancellation of transfer and may have joined their erstwhile place of posting.

7. The case made out in the instant writ petition is that the petitioner was surplus teacher in the earlier school from where he was transferred in the year 2023 and on cancellation of the order of transfer in the year 2025, he will once again be a surplus teacher in the said school.

8. On the other hand, the school where the petitioner was transferred for implementation of the rationalization policy has vacancies where the petitioner can utilize his service.

9. The report of the District Inspector of Schools (Secondary Education), South 24-Parganas mentions that as per declaration of the Rajibpur High School dated 28th January, 2026, two Assistant Teachers of Physical Science are working in the school out of five sanctioned posts. The same implies that there are three vacant posts in the subject Physical Science in the school.

10. In view of the above, the Deputy Secretary to the Government of West Bengal is directed to re-visit the issue of cancellation of the order of transfer in respect of the petitioner, keeping in mind the

rationalization policy of the State and particularly because of the reason that the petitioner was transferred to a school which had vacancies and still have vacancies.

11. A decision shall be taken by the Deputy Secretary, School Education Department, Secondary Branch at the earliest but positively within a period of eight weeks from the date of communication of this order.

12. Be it recorded that the petitioner has acted in accordance with the order of cancellation of the transfer order and has joined Ramrick Institution (HS) in the meantime.

13. The writ petition stands disposed of.

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

15. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)