

12th Feb., 2026
Item no.D/L 13
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 28927 of 2022**

In the matter of :

Dinabandhu Majee

.... Petitioner

VS.

The State of West Bengal & Ors.

.... Respondents

For the Petitioner:

Mr. Shuvro Prokash Lahiri

.... Advocate

For the WBCSSC:

Mr. Sourav Mitra

.... Advocate

For the Respondent no. 4:

Mr. Koushik Roy

.... Advocate

1. Affidavit of service filed in Court today is taken on record.
2. Affidavit in opposition filed on behalf of the respondent no. 4 be retained with the records.
3. The petitioner's application seeking transfer was returned by the head of the institution on 25th August, 2022 with the remark 'distance of present posting is not more than 25 kilometers'.
4. The petitioner relies upon Rule 3(2) of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Re-allocation) Rules, 2015 which mentions that no application under general transfer shall be entertained if he/she intends to get transferred to a school within a distance of 25 kilometers from the present school.

5. The petitioner refers to the remark of the head of the institution mentioning that the distance as per the google map is 20.5 kilometers by bus from the residence to the school.
6. Submission is that the head of the institution misread the provision of law and took into consideration the distance between the residence and the school. According to the petitioner, the distance ought to have been taken from the present school to the school where the candidate intends to be transferred.
7. On a perusal of the remarks made in the status of the application seeking transfer, it appears that the respondents did not take into consideration the correct provision of law. The authority considered the distance from the petitioner's residence to the preferred school. The authority ought to have taken into consideration the distance between the present school and the preferred school.
8. Accordingly, the reasons for disallowing the petitioner's application seeking transfer stands set aside.
9. However, as it appears that a considerable period of time has elapsed from the day the application of the petitioner stood rejected, accordingly, 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.
10. In the event such an application is made, the same shall be considered by the head of the institution in accordance with the prevailing transfer rules.

11. 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.
12. If the application of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.
13. The fate of the petitioner's application shall be made known to the petitioner.
14. Suspension of the Utsashree portal will not stand in the way of the respondents to consider the application for transfer made by the petitioner.
15. The writ petition stands disposed of.
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.)