

16.03.2026
Ct. No. 5
Sl. No.15
akd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 338 of 2026

[Debashis Adhikary -Vs- The State of West Bengal & Ors.]

Ms. Esha Acharya
... .. for the petitioner

Mr. Sunit Kumar Roy
... .. for the SSC

Mr. Pretom Das
Mr. Manti Dutta
... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition being aggrieved by the alleged inaction on the part of the school authorities in not considering his application for transfer dated 02.02.2026, submitted offline in the prescribed format.
3. Learned Advocate appearing for the respondent, the West Bengal Central School Service Commission, in the outset submits that the present writ petition is not maintainable before this Court inasmuch as the petitioner is presently posted in a school situated in the District of Malda, which does not fall within the territorial jurisdiction of the Circuit Bench at Jalpaiguri.
4. Although the school where the petitioner is presently posted is situated in the District of Malda and the said district does not fall within the territorial jurisdiction of the Circuit Bench at Jalpaiguri, this Court takes note of the fact that the petitioner is a resident of the District of Jalpaiguri,

which falls within the jurisdiction of this Bench. Considering the said circumstance as forming part of the cause of action giving rise to the present writ petition, this Court is inclined to entertain the writ petition.

5. A coordinate Bench of this Court, in ***WPA 1049 of 2024 (Doyel Paul vs. The State of West Bengal & Anr.)***, had taken a similar view and entertained the writ petition on analogous considerations. Following the said decision and treating the same as a precedent, this Court is inclined to entertain the present writ petition.

6. Learned Counsel appearing for the Petitioner submits that the Petitioner was appointed as an Assistant Teacher at Arbara High School by appointment letter dated 05.12.2013 and joined the said post on 14.12.2013. It is further submitted that the Petitioner's service was confirmed vide Memo No. 798/1(5) SDG dated 27.01.2014, and the Petitioner has been rendering continuous service for more than twelve years.

7. Learned Counsel further submits that the Petitioner is the father of a two-year-old child. The Petitioner's wife is presently employed at the Dhupguri Sub-Divisional Hospital as a General Nursing and Midwifery (GNM) staff member, and the Petitioner's minor son resides with her. It is submitted that the Petitioner's present place of posting is approximately 267 kilometres away from the place of posting of his wife, and due to inadequate transportation facilities between Malda and Dhupguri, it takes more than six hours to commute between the two places.

8. Learned Counsel also submits that the Petitioner's parents are aged and suffer from various ailments, and the Petitioner's wife is also suffering from certain gynecological complications. In view of the aforesaid family and medical circumstances, it has become extremely difficult for the Petitioner to continue at his present place of posting. Accordingly, the Petitioner submitted an application dated 02.02.2026 seeking inter-district general transfer on the grounds of long distance and medical exigencies. However, according to the Petitioner, the said application has not yet been considered by the competent authority.

9. Without entering into the merits of the matter, this Court directs the Head of the Institution (respondent no. 7) to consider the petitioner's application dated 02.02.2026 in accordance with law. In the event the petitioner's prayer is found to be admissible, the Head of the Institution shall take necessary steps to forward the petitioner's application to the District Inspector of Schools (SE), Sadar Sub-Division, Malda at the earliest, but positively within a period of four weeks from the date of communication of this order. Upon receipt of the same, the District Inspector of Schools (SE) shall take necessary consequential steps in the matter in accordance with the applicable rules and regulations at the earliest, but positively within a period of six weeks from the date of receipt of the relevant documents from the school concerned. The decision taken on the petitioner's application shall be duly communicated to the petitioner.

10. With the aforesaid directions, the present writ petition is disposed of.

11. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)