

12.06.2026
Sl. No.18(DL)
Ct. No.6
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. No. 767 of 2026
Amarjit Kamath
Versus
The State of West Bengal & Ors.**

Mr. Saktipada Jana (through virtual mode),
Mr. Debajit Kundu
...for the Petitioner.

Mr. Sunit Kumar Roy (through virtual mode)
...for the WBCSSC.

Ms. Radhika Agarwal,
Ms. Esha Acharya
...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities particularly respondent Nos.7 and 8, the school authority to issue requisite “*No Objection Certificate*” in respect of the transfer application submitted by the petitioner and to transmit the same to the appropriate authority in accordance with law.
3. The petitioner contends that he participated in the Regional Level Selection Test, 2009 and on being successful joined as an Assistant Teacher in Kalchini Hindi High School on 1st September, 2010 in subject Chemistry. The appointment of the petitioner was approved for

the period from 1st September, 2010 to 31st August, 2012. The petitioner subsequently also participated in the First State Level Selection Test, 2016 (*in short* 'SLST') for recruitment to the post of Assistant Teacher for classes XI and XII. On being successful, the petitioner joined as an Assistant Teacher in Mc. William High School (Higher Secondary) on 27th September, 2018. However, the entire selection process of the 1st SLST, 2016 was cancelled by the Hon'ble Supreme Court in the decision of ***State West Bengal versus Baishakhi Bhattacharyya (Chatterjee) & Ors.*** reported in **2025 INSC 437**. In the said decision the Hon'ble Supreme Court allowed the untainted candidates to apply to their previous department for continuing in service with those entities and resume duties therein. In terms of the aforesaid order, the petitioner applied before his previous department and on being allowed the petitioner joined in the present school i.e Belgachi Hindi High School on 19th January, 2026. The petitioner made an application before the school authority on 9th April, 2026 seeking transfer. However, the same has not been considered by the school authority as yet. Hence, this writ petition.

4. Mr. Saktipada Jana, learned Advocate appearing for the petitioner through virtual mode submits that the school authority is under obligation to consider the transfer application of the petitioner under prevailing rules and if found eligible the same needs to be forwarded to the concerned District Inspector of Schools (SE) for further action. However, the school authority has not taken any steps with regard to transfer application of the petitioner for further action by the concerned authorities. He seeks for appropriate orders.
5. Mr. Sunit Kumar Roy, learned Advocate for respondent-West Bengal Central School Service Commission through virtual mode submits that the school authority should have considered the application of the petitioner seeking transfer.
6. Ms. Esha Acharya, learned Advocate representing the State-respondents submits that there are only six teachers in the Science subjects particularly Physics, Chemistry and Mathematics in the said school. However, the school authority is to take a decision in respect of the application of the petitioner seeking transfer.

7. Despite service none appears on behalf of respondent nos. 7 and 8-school authority.
8. It is not in dispute that the application seeking transfer by the petitioner dated 9th April, 2026 is pending at the end of the school authority, which is required to consider such application.
9. In view of the above, the respondent Nos.7 and 8 are directed to consider the application seeking transfer dated 9th April, 2026 as per prevailing rules. If found eligible, the school authority shall forward the same to the District Inspector of Schools (SE), Siliguri, Darjeeling for further course of action within a period of six weeks from the date of communication of this order.
10. Learned advocate for the petitioner is directed to communicate this order to the school authority, for necessary compliance.
11. With the above direction, the writ petition being **WPA 767 of 2026** stands disposed of.
12. It is made clear that this Court has not gone into the merits of the writ petition.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.

15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)