

12.06.2026
Sl. No.24
Ct. No.6
ss

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

W.P.A. No. 788 of 2026

**Dulal Paul
Versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Choudhury
(through virtual mode)
Mr. Soumyajit Laskar
...for the Petitioner.

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

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

Mr. Narendra Nath Das
Mr. Gobinda Chandra Roy
Mr. Pragyadip Roy Basuria
Mr. Debojyoti Roy
... for the respondent no.6-
Head of the Institution

1. By the present writ petition the petitioner seeks for setting aside of order dated 22nd May, 2025 issued by the District Inspector of Schools (SE), Siliguri, respondent no.5 *vide* memo No.291(3)/G/S.
2. The petitioner contends that he is an Assistant Teacher in Nilnalini Bidyamandir (H.S.) of Ashrampara, P.O. Siliguri, District Darjeeling. The petitioner joined in the said school in HS section on 9th July, 2011. The

petitioner's service was approved on 22nd July, 2011. The petitioner's residence is about 44 Kms from his present place of positing. The petitioner previously applied through *Utsashree* portal seeking transfer on several occasions, all of which were rejected. On 17th February, 2022 the petitioner lastly applied in the said portal for his transfer on ground of distance, which was rejected by the concerned authorities on the ground that the petitioner is single subject teacher in Mathematics in the said school. Challenging the same the petitioner filed a writ petition being WPA 704 of 2025 which was disposed of on 4th April, 2025 with the following directions:

"In view thereof, the District Inspector of Schools (SE), Siliguri being the 5th respondent is directed to consider the prayer of the petitioner for transfer after giving an opportunity of hearing to the petitioner and the school concerned and if the District Inspector finds that the petitioner is a single subject teacher then appropriate steps shall be followed in accordance with law. In case it is found that the petitioner is not a single teacher then the District Inspector of Schools shall take necessary steps with regard to the prayer for transfer."

3. Pursuant to the aforesaid order passed in the aforementioned writ petition the concerned District Inspector of Schools passed the impugned order on 22nd May,

2025 observing that as there is lack of teacher in Mathematics subject the matter will be forwarded to the higher authority for necessary suggestion. Being aggrieved by and dissatisfied with the impugned order the petitioner has preferred the present writ petition.

4. Mr. Sudip Ghosh Chowdhury, learned Advocate for the petitioner appearing through virtual mode submits that the District Inspector of Schools (SE), Siliguri, respondent no.5 in its order dated 22nd May, 2025 has recorded that there are two teachers in Mathematics subject in the school namely, one Mr. Amar Chandra Bhaumik in normal section and another Mr. Dulal Paul, the petitioner herein in the HS section. Therefore, the petitioner is not the single subject teacher in Mathematics in the school. In the earlier round of litigation the Hon'ble Court specifically directed the concerned District Inspector of Schools to process the transfer application of the petitioner in the event the petitioner is not the single subject teacher in Mathematics in school. When there are two teachers in the school in Mathematics subject even if one of the teachers is in

normal section and the other in HS section that cannot be construed that the petitioner is a single subject teacher of Mathematics in the school in HS section. To buttress his contention he relies on the decision of the Coordinate Bench of this Court passed in *Swapan Kumar Sing versus. The State of West Bengal & ors. (Re: WPA 4428 of 2025)*. He seeks for setting aside of the impugned order dated 22nd May, 2025 and for direction upon the concerned District Inspector of Schools, being respondent no.5 to take proper steps towards forwarding the transfer application of the petitioner to the West Bengal Central School Service Commission for further action.

5. Ms. Esha Acharya, learned Advocate representing State-respondents submits that though there are two teachers in the single subject Mathematics in the school but the petitioner is the only subject teacher in the higher secondary section and therefore the case of the petitioner cannot be considered at this stage. She seeks for dismissal of the writ petition.
6. Mr. Narendra Nath Das, learned Advocate for the respondent no.6-the Head of the

Institution, at the outset, indicates that his name has not been recorded in the earlier order dated 10th June, 2026. In view of the above submissions, let the name of Mr. Narendra Nath Das, learned Advocate for the respondent no.6 be read in the earlier order dated 10th June, 2026. Mr Das, also submits in similar fashion as of State-respondents.

7. Upon hearing the learned Advocates for the respective parties, the only issue which falls for consideration is whether the application of the petitioner seeking transfer ought to have been forwarded to the West Bengal Central School Service Commission for further course of action by the District Inspector of Schools or not.
8. Upon going through the impugned order dated 22nd May, 2025 it is found that there are two teachers in Mathematics subject namely, Mr. Amar Chandra Bhaumik and Mr. Dulal Paul, the petitioner herein in the school. It has been indicated in the impugned order that Mr. Amar Chandra Bhaumik is the teacher in Mathematics in normal section and the petitioner is the teacher in the same subject in Higher Secondary section. The District Inspector

of Schools has observed lack of subject teacher in Mathematics in the school and that the matter will be sent to the higher authority for suggestion. At this juncture, it is to be examined that whether the petitioner is actually single subject teacher in the said school or not. In a similar situation the Coordinate Bench in *Swapan Kumar Sing (supra)* observed that though the petitioner, therein, was a single teacher in higher secondary section in Bengali but due to presence of four Bengali teachers in normal section he should not be treated as a single teacher of Bengali in school. The relevant portion of the observation of the Coordinate Bench in *Swapan Kumar Singh (supra)* is reproduced hereunder:

“Today, authority of Kumar Ashutosh Institution (Main) Boys’ is represented by learned advocate who has submitted that there are four teachers working in normal section in Bengali. Therefore, petitioner though is a single teacher in higher secondary section in Bengali but due to presence of four Bengali teachers in normal section he should not be treated as a single teacher of Bengali in school.”

9. Considering such observation made by the Coordinate Bench since in the present case it is found that there are two teachers in single subject Mathematics one in normal section and the other being the petitioner in higher secondary section, the petitioner

cannot be treated as single subject teacher in Mathematics in the said school.

10. In the earlier round of litigation in WPA 704 of 2025 it was directed that in case the petitioner is not single teacher then the District Inspector of Schools shall take necessary steps with regard to prayer for transfer.
11. In view of the above, the impugned order of the District Inspector of Schools (SE), Siliguri, respondent no.5 dated 22nd May, 2025 is set aside.
12. The District Inspector of Schools (SE), Siliguri, respondent no.5 is directed to take necessary steps with regard to prayer for transfer of the petitioner and if found eligible shall forward the same to the West Bengal Central School Service Commission within a period of six weeks from the date of communication of this order. On receipt thereof, from the end of District Inspector of Schools, the West Bengal Central School Service Commission shall take further action within a period of four weeks thereafter.
13. With the above direction, the writ petition being **WPA 788 of 2026** stands disposed of.

14. Petitioner is directed to communicate this order to the respondent no.5, the District Inspector of Schools (SE), Siliguri, for necessary compliance.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. 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.)