

10.06.2026
Sl. No.26(DL)
Ct. No.6
srm

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

**W.P.A. No. 791 of 2026
Prasenjit Modak
Versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury,
Mr. Soumyajit Laskar
...for the Petitioner.
Mr. Sunit Kumar Ray
...for the WBCSSC.
Mr. Avijit Ghosh,
Mr. Samar Rakshit
...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 for setting aside of the order dated 17th June, 2022 issued by the school authority rejecting the prayer of the petitioner seeking transfer *vide* application dated 22nd March, 2022 in the “*Utsashree*” portal.
3. The petitioner contends that he joined as an Assistant Teacher in Baramaricha Delwar Hossain High School (HS), District-Cooch Behar on 30th August, 2010. The service of the petitioner was approved on 18th November, 2010. Subsequently, retention memo was also issued in favour of the petitioner on 21st January, 2014. The petitioner’s residence is situated about 30 kms.(one side) from his

present place of posting. Previously, the petitioner applied for transfer on the ground of distance, however, the same has been rejected observing that the petitioner is not falling within 10% of total teaching strength as per seniority. Being aggrieved of such action of the respondent authorities, the petitioner has preferred this writ petition.

4. Mr. Sudip Ghosh Chowdhury, learned Advocate for the petitioner submits that with the passage of time the staff strength has changed and as such he seeks liberty to file a fresh application seeking transfer offline on general ground.
5. Mr. Sunit Kumar Roy, learned Advocate appearing for the West Bengal Central School Service Commission concedes to the same.
6. Mr. Avijit Ghosh, learned Advocate appearing for State-respondents submits that the petitioner does not require any liberty to file a fresh application. He submits that there is acute shortage of teacher in subject Chemistry in the said school. On transfer of the petitioner the Pupil Teacher Ratio (PTR) will be hugely affected. He files a report of the District Inspector of Schools (SE), Cooch Behar dated 10th June, 2026, which is taken on record.

7. As far as the argument advanced on behalf of the State-respondents is concerned, in the event the application is made by the petitioner seeking transfer it would be left open to the school authority to consider the aspect as per rules bearing in mind the Pupil Teacher Ratio (PTR). However, the factors as argued cannot create a bar for the petitioner in approaching the authority seeking transfer.
8. In view of the above, the petitioner is granted liberty to file an application in the prescribed format seeking transfer on ground of distance before the school authority in offline mode within a period of four weeks from date. In the event such application is made within the aforesaid period in the prescribed format, the school authority shall consider the same as per prevailing rules and also take into account the Pupil Teacher Ratio and other factors. In the event, the petitioner is found eligible, the school authority shall take all consequential steps within a period of six weeks from the date of submission of the application of the petitioner, in accordance with law.
9. Learned advocate for the petitioner is directed to communicate this order to the school authority, for necessary compliance.

10. With the above direction, the writ petition being **WPA 791 of 2026** stands disposed of.
11. It is made clear that this Court has not gone into the merits of the writ petition.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)