

24.07.2026
Court No.13
Item No.26
AP

**FMA 612 of 2026
With
CAN 1 of 2025
Madhumita Ghorai
Vs.
The State of West Bengal and Ors.**

Mr. Shuvro Prokash Lahiri

... For the Appellant.

Mr. Lokenath Chatterjee
Ms. Sneha Chatterjee
Ms. S. Banerjee
Mr. S. Singh

... For the State.

Mr. S.K. Roy

... For the SSC.

1. The short question that comes for consideration in this instant appeal is whether in the impugned order dated 23rd June, 2025 the Single Bench would have deferred the transfer of the writ petitioner/appellant until a replacement to man the post of the writ petitioner/appellant is found by nearby school.

2. This Court has decided the matter applying the ratio of ***Rupak Dhua Vs. The State of West Bengal & Ors.*** being judgement dated **31st July, 2025** and other decisions that the teachers for whom transfer is approved by the authorities need not wait till such time replacement is found.

3. In the light of the above, the District Inspector of Schools (SE), Purba Medinipur shall forward the writ petitioner's/appellant's application to the School Service Commission for appropriate orders and simultaneously

thereafter find a replacement in the resultant vacancy as expeditiously as possible.

4. The impugned order shall stand modified accordingly.

5. Hence, FMA 612 of 2026 is disposed of. Consequently, CAN 1 of 2025 is also disposed of.

6. There shall be no order as to costs.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)