

23.07.2026
Sl. No.3(DL)
Ct. No.14
srm

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

W.P.A. No. 4028 of 2026

**Manoranjan Bhanja
Versus
The State of West Bengal & Ors.**

Mr. Anindya Bose,
Mr. Santanu Maji,
Ms. Debrani Mondal

...for the Petitioner.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

Mr. Ranjan Saha

...for the DPSCs, Jhargram
& Paschim Medinipur.

Mr. Brijendra Pratap Singh,
Mr. Asit Kumar De

...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 to grant inter-district transfer to the petitioner from the district of Jhargram to the district of Paschim Medinipur on general ground.
3. The petitioner contends that he joined as an Assistant Teacher in Dhobakacha Primary School under District Primary School Council, Paschim Medinipur (presently DPSC, Jhargram) on 1st July, 2015. The service of the petitioner was confirmed with effect from 1st July, 2017. Subsequently the petitioner has been transferred to Chirakuti Primary School under Belpahari Circle of DPSC, Jhargram on 8th September, 2025 where he joined on 15th September, 2025. On 29th January,

2026, the petitioner made a representation before the authority concerned seeking for transfer on distance and surplus ground, however, the same has not been considered. Hence, this writ petition.

4. Mr. Anindya Bose, learned Advocate appearing on behalf of the petitioner submits that the matter may be relegated to the appropriate authority for consideration of the representation of the petitioner for her transfer, in accordance with law. He also indicates that though the application has been filed within five years from the previous transfer, however, the previous transfer was effected not on the application of the petitioner but on administrative ground and as such there cannot be any bar to consider such application within the period of five years. To buttress his contention, he relies upon the decision of this Court passed in ***Amita Patra & Anr. versus State of West Bengal & Ors.*** reported in ***2026 SCC OnLine Cal 8891***.
5. Learned advocates for the Board as well as both the Councils leave the matter to the discretion of the Court.
6. Indisputably the petitioner has been transferred on 8th September, 2025 on administrative ground. Rule 6 (1) of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*hereinafter referred to as 'Rules of 2002'*) provides that no teacher shall be eligible to apply for transfer for a period of five years from the date of transfer. At this juncture, the question arises whether the application

of the petitioner seeking transfer, made within five years of the previous transfer, is sustainable. In a similar circumstances, this Court in *Amita Patra (supra)* upon considering Rule 6 of Rules of 2002 observed as follows.

“10. *In order to examine the aforesaid issue it would be apposite to reproduce the relevant of Rule 6 of Rules of 2002 as hereunder:*

“6. Bar to transfer. – (1) *No teacher shall be eligible to apply for transfer for a period of five years from the date of transfer.*

(2) No teacher shall be eligible for transfer if he attains the age of fifty-seven years.

(3) No prayer for transfer shall be entertained for next five years if the transfer order is not carried out by an approved teacher in whose favour a transfer order is issued.”

11. *Upon bare reading of the aforesaid provision, it is found that Rule 6 (1) of Rules of 2002 provides that no teacher shall be eligible to apply for transfer for a period of five years from the date of transfer.*

12. *Be that as it may, admittedly the earlier transfer of Petitioner 2 was made on 10-3-2022 on administrative ground. Petitioner 2 never applied for the aforesaid transfer. Therefore, the right of the petitioners to seek further transfer under the existing Rules cannot be obliterated on the ground that transfer has been sought for within five years of the previous transfer of Petitioner 2, since the previous transfer was made on administrative ground and not on the prayer of Petitioner 2. Thus, this court finds substance in the submission of Mr Bose, learned advocate for the petitioners relying on *Saheli Mandal (supra)* in this regard. In view of the above it is found that the impugned order of Respondent 4 is not sustainable.”*

7. Thus, since the petitioner did not seek transfer on the earlier occasion, his right to seek for transfer cannot be obliterated on the ground that transfer has been sought for within five years of the previous transfer, when admittedly such transfer was effected on administrative ground and not on the application of the petitioner.

8. In view of the above, respondent No.4, the Secretary, West Bengal Board of Primary Education is directed to consider the representation of the petitioner dated 29th January, 2026 in the light of the observation made hereinabove and dispose of the same, upon giving notice to the petitioner, by passing a reasoned order in accordance with law, within a period of eight weeks from the date of communication of this order.
9. The reasoned order is to be communicated to the petitioner within one week from the date of passing of such order.
10. Learned advocate for the petitioner is directed to communicate this order to the respondent No.4, the Secretary, West Bengal Board of Primary Education.
11. With the above direction, the writ petition being **WPA 4028 of 2026** stands disposed of.
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.)