

16.12.2021
SL No. 7
Court No. 24
(P.M)

WPA 19535 of 2021

**Prasanta Barui
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Ajay Barman Ray
... for the petitioner

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya
... for DPSC North 24-Parganas

Mr. Swapan Kumar Datta,
Mr. Rajat Datta
... for the State

The petitioner, an Assistant Teacher of Golghar Prathamik Free Primary/Junior Basic School, Bhatpara Circle, has been transferred on administrative ground to act as Assistant Teacher in Kalitala Perghumti F.P. School, Hingalganj, South Circle in the same scale of pay until further orders.

In the transfer order it was mentioned that no prayer for transfer shall be entertained for next seven years if the transfer order is not carried out by the incumbent concerned within fifteen working days from the date of issue of the Memo and disciplinary proceedings will be initiated as per provision of the rules.

According to the petitioner the said transfer order is punitive in nature and the same was issued as the petitioner raised certain questions in respect of a separate teacher.

The impugned order of transfer does not mention anything from which it can be inferred that the same is punitive. On the contrary, it mentions that the teacher has been transferred on administrative ground.

The petitioner submits that the place of transfer is nearly 140 Kms. away from the present school. The petitioner has not produced any document to show that the transfer can be effected only within a particular area or distance. There is no bar in the rules to transfer a primary school teacher from one place to the other.

It is for the employer to decide as to where an employee is to be posted for extracting best services from the employee. The court ought not to interfere unless there is allegation of *mala fide*.

It does not appear from the submissions made on behalf of the parties that the impugned order of transfer is either *mala fide* or punitive.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)