

02.08.2022
Court No.13
Item No.174
AP

WPA 8664 of 2022

**Nabanita Dasgupta
Vs.
The State of West Bengal and Ors.**

Mr. Anjan Bhattacharya
Ms. Anita Shaw

... For the petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas

..For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

..For the WBCSSC.

Ms. Koyeli Bhattacharya

..For the WBBSE.

The petitioner has applied for transfer without completing five years of service in the posted school. Reliance has been placed on the case of another teacher, Ujjal Kumar Manna, who was allegedly allowed transfer even without completing five years.

This Court is of the view that the petitioner in essence is claiming negative equality, which cannot be permitted in law.

Counsel for the State, however, disputes that the said Ujjal Kumar Manna was transferred before five years of completion of service.

Counsel for the petitioner next relied upon a decision of a Coordinate Bench dated 27th April 2022 in the case of ***Snigdha Datta (Basu) Vs. the State of West Bengal & Ors.*** in ***WPA 16680 of 2021***. It is submitted

that the five years Rule as has been relaxed in the said case should also be relaxed in the petitioner's case.

This Court is of the view that the facts and circumstances of the ***Snigdha Datta (Basu) (supra)*** case are quite different from the facts of the instant case. In the said case, transfer was sought primarily on medical ground.

In these circumstances, no relief can be granted to the petitioner.

With the aforesaid observations, the writ petition shall stand dismissed.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)