

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Jurisdiction**

**WPA 980 of 2023**

Nibedita Adhikary  
-versus  
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury  
Mr. Anirban Banerjee  
... For the petitioner.

Mr. Subir Kumar Saha  
Ms. Bedashruti Bose  
... For the State.

Mr. Deborshi Dhar  
...For the respondent no. 4.

Affidavit of service filed in Court today is taken on record.

The petitioner is an Assistant Teacher in Chamta No.2 A. P. School of Tufanganj, District – Cooch Behar. The petitioner had applied for transfer on medical ground of her husband on 15th April, 2022. The application was made in the portal “Utsashree”. The petitioner says that the said application has been left unconsidered till date and seeks a direction upon the appropriate authority to consider the same.

On behalf of the State it is submitted that the petitioner had availed transfer two years back and as such is not entitled to apply for and obtain a transfer within five years therefrom under the prevailing rules.

Responding to such contention of the State, it is submitted on behalf of the petitioner that the previous transfer was an administrative transfer made by the authorities wherein the petitioner had no choice. The present transfer is applied on the health ground of the petitioner's husband which can be made and maintained even after the petitioner has been subjected to an administrative transfer only two years back.

After hearing the parties and considering the materials on record I think that justice will be subserved if I direct the respondent no.4, being the Chairman, Cooch Behar District Primary School Council to forward the transfer application along with all requisite documents to the respondent no.2, being the Chairman, West Bengal Board of Primary Education so that the respondent no.2 can take a decision and bring the petitioner's application for transfer to a logical conclusion.

The respondent no.4, being the Chairman, Cooch Behar District Primary School Council is directed to forward the petitioner's application with all requisite documents to the respondent no.2 within three weeks from date. The respondent no.2 shall within four weeks from the date of receipt of the application shall dispose of the petitioner's transfer application by passing a reasoned order and if necessary by giving the petitioner an opportunity of hearing.

The writ petition is disposed of accordingly.

All parties shall act on a server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the requisite formalities.

**(Arindam Mukherjee, J.)**