

15-04-2024
ct no. 13
Sl. 354
pk

WPA 9475 of 2024

Debjani Bera

-Versus-

The State of West Bengal & Ors.

Mr. S. P. Lahiri,
Mr. Rajesh Naskar

..for the petitioner.

Mr. Gourav Das
... for the State.

Mr. Ratul Biswas,
Mr. Kauhik Chowdhury
... for the WBBPE

1. Affidavit of service filed in Court is taken on record.
2. The petitioner seeks general transfer on the ground of distance despite having only two years in the posted school.
3. Reliance is placed by Mr. Lahiri, learned advocate for the petitioner on a decision of a Single Bench dated 26.04.2023 in WPA 10210 of 2022 (Suvadip Ghorai Vs. The State of West Bengal and others) where it was held that five years period is mandatory for seeking transfer on general ground under Rule 3. The orders of the Single Bench dated 26.04.2023 upset by the Division Bench of this Court in order dated 24.08.2023 in MAT 782 of 2023.

4. This Court finds a serious divergence in facts as recorded by Single Bench and Division Bench.
5. This Court is, therefore, of the view that the said decision of Suvadip Ghorai case may not be applicable at all in the instant case. It is not known as to whether in addition to the distance, there was also another medical ground for which transfer was sought in the case of Suvadip Ghorai.
6. In the instant case, there are no medical grounds. Application for general transfer is made only on ground of distance. Since the petitioner has not completed five years in the existing school, no relief can be granted to the petitioner at this stage.
7. Accordingly, the writ petition is dismissed.
8. There will be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)