

24.06.2024
Court No.13
Item No.10
AP

WPA 14973 of 2024

**Mousita Ghanta and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Shamimul Bari
Ms. Asmita Mitra

... For the Petitioners.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

... For the State.

Mr. Kaushik Chowdhury

... For the WBBPE.

Mr. Bhaskar Prosad Vaisya
Mr. Pinaki Bhattacharyya

... For the DPSC, North 24-Parganas.

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

2. The petitioners are aggrieved by an order dated 16th May, 2024 passed by the Secretary, West Bengal Board of Primary Education. By the impugned order, a prayer for mutual transfer of petitioner Nos.1 and 2 has been refused. The ground of refusal is that the petitioner No.1 has not completed five years since after the last transfer.

3. Considering the petitioner No.1 has already completed four years, the five year restriction on transfer cannot be applied to her.

4. In any event, this Court has held that in case of mutual transfer, the general restrictions on transfer

should not normally be applied unless there are extreme and extenuating circumstances.

5. In these circumstances, the Secretary, West Bengal Board of Primary Education shall permit the mutual transfer of the petitioner Nos.1 and 2 within a period of eight weeks from the date of receipt of a copy of this order along with a copy of this writ petition.

6. Hence, the impugned order dated 16th May, 2024 shall stand set aside.

7. With the aforesaid direction, the writ petition is disposed of.

8. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)