

23
15.07.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17680 of 2024

**Rabiul Kamal
-versus
The State of West Bengal & Ors.**

**Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra.
...For the Petitioner.**

**Mr. Saibal Acharya,
Mr. Tanweer J. Mondal.
...For DPSC, Purba Burdwan.**

**Mr. Ratul Biswas,
Mr. Koushik Chowdhury.
...For WBBPE.**

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

The petitioner has a physical disability of 60%. He was appointed as a primary school teacher in the year 2021. Seeking transfer he made application for transfer on 5th June, 2024. The application is pending consideration till date.

The petitioner relies upon the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 amended by the Kolkata Gazette Extraordinary published on September 14, 2021 which prescribed that an applicant may seek transfer on grounds one of which is physical disability 40% and more duly certified by the competent authority.

The petitioner relies upon the certificate of disability issued by the District Hospital, Suri on 11th March, 2024 in support of his prayer for transfer.

Learned advocate appearing on behalf of the Board opposes the prayer of the petitioner.

As the amendment to the Rules relating to transfer of primary school teachers provides for giving preference to the applicants having physical disability of 40% or more, accordingly, the Secretary of the West Bengal Board of Primary Education is directed to consider the prayer for transfer made by the petitioner after verifying his percentage of disability by the competent authority.

A decision shall be taken by the Secretary of the Board in accordance with law, at the earliest but positively within a period of eight weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the application seeking transfer along with supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)