

32
12.09.2024
d.p.

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

W.P.A 21702 of 2024

**Kousik Kumar Bhunia
-versus
The State of West Bengal & Ors.**

**Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal.
...For the Petitioners.**

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

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

The petitioner was appointed as a primary school teacher in February 2024. He is currently undergoing treatment for cancer. He has made an application before the Chairman, District Primary School Council, Jhargram to consider his prayer for transfer to a place which is closed to his residence under Medinipur Sadar East Circle under Paschim Medinipur District Primary School Council. He is currently posted under the Jhargram, DPSC.

The said application is pending consideration.

Learned advocate representing the Board submits that as the petitioner is not an approved teacher, there is a legal bar in consideration of his prayer for transfer.

Admittedly, the law as it stands requires confirmation of a teacher prior to entertaining any application seeking transfer.

In the instant case, the petitioner has joined service only in February 2024 and has made an application for transfer within a period of three months from the date of joining.

Learned advocate appearing on behalf of the petitioner submits that the condition of the petitioner is deteriorating day by day and it is practically very difficult for the petitioner to stay away from his residence for attending his duties.

Keeping in mind the emergency health condition of the petitioner, the Secretary, West Bengal Board of Primary Education is directed to consider the prayer of the petitioner seeking transfer as a special case.

The prayer for transfer will not be rejected on the ground of the petitioner not being confirmed in service.

A decision shall be taken by the Secretary at the earliest but positively within a period of three weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the application seeking transfer along with all medical documents in support of the prayer for transfer to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)