

17.12.2024
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December, 2024
Court No.19
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 25318 of 2024

Mithul Mandal & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Sondwip Sutradhar
.....for the petitioners.

Mr. B.P. Vaisya,
Mr. Gourav Das
....for the DPSC, South 24 Pgs.

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

Affidavit of service filed on behalf of the petitioners be kept with the record.

The petitioners are confirmed Assistant Teachers of two primary schools of two different districts, they are praying inter-district mutual transfer.

The petitioner no.1 is a teacher of 15 Mridadpur Primary School under Lalgola South Circle of the D.P.S.C., Murshidabad, the respondent no. 7 herein whereas the petitioner no.2 is a teacher of Dholahat F.P. School under Kulpi - I Circle of the D.P.S.C., South 24 Parganas, the respondent no. 9 herein.

The West Bengal Board of Primary Education vide Notification No. 230/91-92 dated November 02, 1991 has laid down the Principles and Procedures for Transfer of Teacher or Non-teaching Staff in a Primary Schools between two Primary Councils, the procedure prescribed under Paragraph '1' of it runs as follows :-

“1. The Council from which transfer is sought, after receiving such application from the incumbent concerned, will consider the matter and record the Council's opinion and forward the case to the Council to which transfer is sought, for their

comments and onward passing of such papers to the Board for decision.”

The representations of the petitioners for such mutual transfer, both dated July 24, 2024 are pending consideration before the Chairman of their respective District Primary School Councils.

The said Councils shall form their opinions on the said representation of the petitioners following the practice suggested in the said Notification dated November 02, 1991, and shall send the same to the West Bengal Board of Primary Education for consideration of the prayer of the petitioners for mutual transfer in accordance with law.

The Board shall complete its drill in this regard expeditiously, preferably *within a period of four weeks from the date of receipt of the opinion from the said Councils.*

WPA 25318 of 2024 is disposed with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations contained in the writ petition are deemed to have been denied by the respondents.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)