

11.12.2024
Item No.6, DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26797 of 2024

Chhaya Khatun & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Debalina Chakraborty.
.....for the petitioners.

Ms. Sumita Shaw,
Mr. Syed Nasirul Hossain.
....for the State.

Md. Sarwar Jahan,
Sk. Wayeemul Haque.
.....for the DPSC, Murshidabad.

Mr. Arindam Chattopadhyay.
.....for the D.P.S.C., Nadia.

Mr. Kaushik Chowdhury.
.....for the WBBPE.

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

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

The petitioner no.1 is a teacher of 16 Debkundu High Madrasah Primary School under Beldanga Circle of the D.P.S.C. Murshidabad, the respondent no. 4 herein whereas the petitioner no.2 is a teacher of Tatla Sarojini Primary School, under Sadar-I Circle of the D.P.S.C. Nadia, the respondent no. 5 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 petitioners, in terms of the aforesaid procedure, are required to approach their respective Primary School Councils first but they, as it appears from the record, have not followed the said procedure, instead have applied to the West Bengal Board of Primary Education directly.

Leave, therefore, is granted to the petitioners to apply afresh to their respective School Councils for such mutual transfer within a period of one week from date, if such applications are made within the said time, the said Councils, *within a period of two weeks from the date of receipt of such applications*, shall form their opinions on the prayer of the petitioners following the practice suggested in the said Notification dated November 02, 1991, and shall thereafter send the same to the Board 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 26797 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.)