

12.12.2024
(DL- 09)
Ct.-19
(Susanta)

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

W.P.A. 27646 of 2024

Jayanta Sarkar & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Santanu Maji.

.....For the Petitioners.

Mr. Rabindra Nath Pal,

Mr. Koushik Banerjee.

....For the State.

Mr. Ratul Biswas,

Mr. Kaushik Chowdhury.

.....For the WBBPE.

Mr. Bhaskar Prasad Vaisya,

Mr. Pinaki Bhattacharyya,

....For the DPSC(North 24-Parganas).

Mr. Bhaskar Prasad Vaisya.

Mr. Gourav Das,

....For the DPSC (South 24-Parganas).

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

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

The petitioner no.1 is a teacher of Paschim
Bhanderkhali F.P. School under Hingalganj Circle of
D.P.S.C., 24 Parganas-North, the respondent no. 7
herein whereas the petitioner no.2 is a teacher of
Mallikerchak F.P. School under Mathurapur South
Circle of the D.P.S.C., 24 Parganas-South, 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 27646 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 not to be admitted.

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.)