

05.08.2025

WPA 4007 of 2025

Arup Kumar De & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Mr. S. Ghosh

... ... for the petitioners

Mr. Suddadev Adak
Ms. Arpita Mondal

... ... for the State

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... ... for the WBBPE

Mr. Saibal Acharyya
Mr. T.J. Mondal

... ... for the Purba Bardhaman D.P.S.C.

Learned counsel appearing for the petitioners submits that since the initial appointment, petitioners have been rendering their continuous and uninterrupted service in their respective schools and moreover discharging their duties as Assistant Teachers of the schools where they are working as Assistant Teachers.

Learned counsel further submits that both the petitioners have made their offline applications for transfer dated 06.01.2025 and 20.01.2025 before the Chairman, Burdwan District Primary School Council, as UTSASREE portal which would have come to their assistance has not accepted their applications for transfer showing a remark “same circle transfer not allow”.

According to the petitioners there is no bar as prescribed under West Bengal Primary Education (Transfer and Teachers including Head Teacher) Rules, 2022 read with Notification dated 13th September, 2021 for mutual transfer of teachers within the same circle of a particular Council and as such the Council has neglected to consider their applications which were made by them for mutual transfer.

Learned counsel appearing for the Purba Bardhaman District Primary School Council submits that both the petitioners have not made any application before the Purba Bardhaman District Primary School Council and as such the applications were not considered.

Learned counsel appearing for the West Bengal Board of Primary Education is present and files a report.

Heard learned counsels appearing for the parties.

Petitioners are requested to make their applications before the Chairman, Purba Bardhaman District Primary School Council, being the respondent No.6 herein, within a period of two weeks from date. If such applications for mutual transfer are made within a period of six weeks, then Purba Bardhaman District Primary School Council will consider such applications within a period of eight weeks from the date of making such applications by the petitioners.

It is needless to mention here that opportunity of hearing has to be provided by the Purba Bardhaman District Primary School Council to the petitioners before considering their applications and the Council should also allow the petitioners to submit whatever relevant documents required by them.

A reasoned order which has to be passed by the Purba Bardhaman District Primary School Council should be communicated to the petitioners within a period of two weeks from the date of passing of reasoned order.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Rajarshi Bharadwaj, J.)