

3.
(DL)

29.04.2025
Ct. No. 18
(ARPAN)

W.P.A. 6789 OF 2025

Shobhan Sarkar
Vs.
The State of West Bengal & Others

Mr. Sudipta Dasgupta, Adv.
Mr. Sondwip Sutradhar, Adv.

...for the Petitioner

Mr. Tanoy Chakraborty, Adv.
Mr. Nilay Baran Mandal, Adv.

...for the State

Mr. Subir Sanyal, Sr. Adv.
Mr. Ratul Biswas, Adv.
Mr. Kaushik Chowdhury, Adv.

...for W.B.B.P.E

Mr. Biswabrata Basu Mallick, Adv.
Mr. Biman Halder, Adv.
Mr. Aman Asif Ansari, Adv.

...for D.P.S.C., Hooghly

Mr. Bhaskar Prasad Vaisya, Adv.
Mr. Gourav Das, Adv.

...for D.P.S.C., South 24
Parganas

In terms of the order dated 22nd April, 2025, a report dated 28th April, 2025 of the Deputy Secretary, West Bengal Board of Primary Education is filed today in sealed cover. Same is perused. Let this report be kept in a sealed cover with the record of the writ petition.

On perusal of the report dated 28th April, 2025, it appears that Secretary, West Bengal Board of Primary Education had to take decision to transfer the petitioner *vide* order dated 17th March, 2025 from Moloypur No.3 Primary School, Arambagh, East Circle, Hooghly to Kuemuri New F.P. School, Patharpratima East Circle, South 24 Parganas for the reasons un-connected with the case made out in the present writ petition. Petitioner may have made an application for transfer from present

school where he is working to another primary school in Hooghly *vide* letter dated 7th March, 2025 but irrespective of such application dated 7th March, 2025, it transpires decision was taken by the Secretary, West Bengal Board of Primary Education to transfer the petitioner to a primary school in another district. Reasons are disclosed in the report, which are not discussed in this order for the reasons discernible on perusal of such report dated 28th April, 2025.

Moreover, in terms of Section 19(1)(k) of West Bengal Primary Education Act, 1973, Board is empowered to transfer any teacher or non-teaching staff from a primary school within the jurisdiction of one primary school council to a primary school within the jurisdiction of another primary school council.

In view of aforesaid consideration, this Court does not find that the transfer order dated 17th March, 2025 is not tenable.

Hence, writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)