

4.
(DL)

28.04.2025
Ct. No. 18
(ARPAN)

W.P.A. 7923 OF 2025

Rupa Das
Vs.
The State of West Bengal & Others

Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Ms. Pritha Biswas, Adv.

...for the Petitioner

Mr. Gourav Das, Adv.
Ms. Andrila Bose, Adv.

...for the State

Mr. Ratul Biswas, Adv.
Mr. Kaushik Chowdhury, Adv.

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

Mr. Biswabrata Basu Mallick, Adv.
Mr. Biman Halder, Adv.
Mr. Amman Arif Ansari, Adv.

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

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Writ petition is heard in presence of learned
advocates representing the parties.

Learned advocate representing the petitioner
submits that an offline application for transfer was made
on 24th February, 2025 on the ground that male child of
the petitioner is suffering from “*left vesicoureteric junction
obstruction*”. It is further submitted that child of the
petitioner is under treatment at Christian Medical
College, Vellore and in support of same several
documents have been annexed to this writ petition.
Petitioner prays for immediate consideration of her
transfer application dated 24th February, 2025 on special
ground considering medical condition of her child.

Learned advocates representing respondents have opposed the writ petition since petitioner has not completed five years of confirmed service as primary teacher on the date of making application for her transfer. Therefore, transfer application of the petitioner is barred under amended Rule 4(b) of notification dated 13th September, 2021 whereby West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 has been amended.

Having considered the submissions made on behalf of the parties, it appears child of the petitioner is suffering from serious renal disease and is under treatment at Christian Medical College, Vellore.

In addition thereto reliance is also placed on one reasoned order dated 4th March, 2025 passed by the Secretary, West Bengal Board of Primary Education whereby transfer of similarly circumstanced primary teacher was allowed in terms of Section 19(1)(k) of the West Bengal Primary Education Act, 1973.

Therefore, as a special case though petitioner has not completed five years of continuous service and taking note of the order passed by the Secretary, West Bengal Board of Primary Education dated 4th March, 2025 in similar situation, Secretary, West Bengal Board of Primary Education being respondent no.3 is directed to take decision on transfer application of the petitioner

dated 24th February, 2025 after receiving the same from the Chairman, District Primary School Council, Hooghly.

It needs to be recorded herein that petitioner has made application for transfer from a primary school in Hooghly to another primary school in Nadia which will be nearby to her place of residence.

The Chairman, Hooghly District Primary School Council being respondent no.5 is directed to obtain medical report from the Chief Medical Officer of Health/ Medical Board by four (4) weeks from the date of communication of this order. If medical report justifies transfer of the petitioner, same shall be forwarded to respondent no.3 by ten (10) days thereafter. On receipt of medical report along with transfer application, respondent no.3 shall decide the same in terms of Section 19(1)(k) of the West Bengal Primary Education Act, 1973 and taking note of the order dated 4th March, 2025 passed in similar situation by four (4) weeks thereafter. The decision to be taken by respondent no.3 shall be communicated to the petitioner by ten (10) days thereafter.

It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.

With the above directions, writ petition stands disposed of.

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.)