

14 29.04.2025
rkd Ct.18

W.P.A. 8686 of 2025

Shilpi Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Sondwip Sutrdhar

....for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das

....for the State.

Mr. Ranjan Saha

....for the DPSC, Paschim Medinipur.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

....for the WBPPE.

Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das

....for the State.

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

Petitioner has prayed for inter-district transfer
vide offline transfer application dated 24th March,
2025.

It is submitted on behalf of the petitioner that
she joined the post of primary teacher on 12th
February, 2024 and has not completed five years of
continuous approved service.

It is also contended that application for
transfer has been made on medical ground requiring
five years' continuous service as contemplated under
amended Rule 4(b) of notification dated 13th
September, 2021 to be relaxed.

Learned advocates representing the respondent authorities have opposed the writ petition on placing reliance on amended Rule 4(b) and it is submitted that unless such applicant teacher completes five years of service as confirmed primary teacher, the application for transfer ought not to be considered.

Having considered the submission made on behalf of the parties Court finds that the issue is decided by this Court in the writ petition being WPA 7329 of 2025 (*Priyanka Sarkar v. State of West Bengal & Ors.*) and an order was passed on 22nd April, 2025.

Placing reliance on *Priyanka Sarkar* (supra), it can only be concluded that unless an exceptional case is made out requiring a Court of equity to pass necessary order even in case of transfer application made on medical ground applicant teacher is required to comply with the conditions as contained under amended Rule 4(b) of notification dated 13th September, 2021.

Hence, no relief can be granted to petitioner and the writ petition stands dismissed.

However, this order shall not preclude the petitioner to make an application for transfer in accordance with law after completing five years of continuous service as a confirmed primary teacher.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)