

31 02.05.2025
rkd Ct.18

W.P.A. 8912 of 2025

Ruhidas Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Santanu Maji,
Ms. Debrani Mondal,
Ms. Rima Banerjee

....for the petitioner.

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal

....for the DPSC, Purba Bardhaman.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya

....for the DPSC, North 24 Parganas.

Mr. Ratul Biswas,
Mr. Kaushik Chowhdury

....for the WBBPE.

Mr. Avirup Mondal,
Ms. Tithli Paul

....for the State.

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

Petitioner is a primary teacher since 21st
January, 2011 and working under Purba Bardhaman
District Primary School Council.

Petitioner by transfer application dated 19th
March, 2025 has prayed for transfer from his present
school in Purba Bardhaman to a school in North 24
Parganas preferably under Dumdum New Circle.

In support of the case made out in the writ

petition reliance is placed on amended Rule 5(3)(d) as contained in notification dated 13th September, 2021 wherein it is provided that a teacher of age of 57 years and more and willing for home district can make an application for transfer.

State respondents, West Bengal Board of Primary Education, District Primary School Councils, Purba Bardhaman and North 24 Parganas are represented by learned advocates.

Since petitioner has prayed for inter-district transfer from a primary school in Purba Bardhaman to a primary school in North 24 Parganas, Secretary, West Bengal Board of Primary Education being respondent no.4 is directed to decide the transfer application of the petitioner dated 19th March, 2025 by eight weeks from the date of communication of this order. While taking decision the respondent no.4 shall take a sympathetic view in consideration of the fact that present age of the petitioner is 58 years and at present petitioner is attending school in Purba Bardhaman from his residence at Dum Dum. In addition thereto, amended Rule 5(3)(d) needs to be taken into consideration while taking decision relating to transfer of the petitioner by respondent no.4. Decision to be taken by respondent no.4 shall be communicated to the petitioner by ten days thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the

transfer application of the petitioner.

The writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)