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rkd
d 19.05.2025
Ct.18

W.P.A. 8866 of 2025

Gurupada Jana

-vs-

The State of West Bengal & Ors.

Mr. Kaustav Chandra Das,
Mr. Sk. Sahjahan Ali,
Mr. Jyotishman Sarkar

....for the petitioners.

Mr. Moniruzzam,
Ms. Sharmila Deb

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

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

Petitioner made an application for transfer
on 26th August, 2021 on the ground of distance in
between present school of the petitioner and his
place of residence.

However, the school authority where
petitioner is working could not allow the transfer
application of the petitioner since petitioner did not
come within the ambit of 10% of the existing
teaching strength as provided under Rule 5(6) of
the Transfer Rules, 2015.

It is submitted by the learned advocate

representing the petitioner that four new teachers have joined the school on transfer after four teachers were transferred to other school from the school of the petitioner. Therefore, fresh decision is required to be taken by the school authority.

Based on transfer application made on Utsashree portal on 26th August, 2021 decision was taken by the school authority on 29th August, 2021 not to allow transfer application of the petitioner applying Rule 5(6) of the Transfer Rules, 2015 which is not found as erroneous since four teachers left the school on transfer and four teachers joined the school also on transfer after such decision was taken on 29th August, 2021 by the school authority. Therefore, based on application filed on 26th August, 2021 when decision was taken by the school authority on 29th August, 2021 in the present writ petition which was instituted on 17th April, 2025 said transfer application dated 26th August, 2021 cannot be revived.

Hence, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to make an application for transfer in accordance with law, if situation so arises.

There shall be no order as to costs.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)