

14.05.2025
SI No.15
Court No.8
(gc)

MAT 672 of 2025
CAN 1 of 2025

Madhumita Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Debalina Chakraborty,
Ms. Pritha Biswas,
Mr. Subhadeep Maitra
... for the Appellant.
Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Gourav Das
...for the Council, 24 Parganas (S).
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury
...for the W.B.B.P.E.

1. Affidavit-of-service filed in Court today be kept with the record.
2. The application on the ground of distance filed before completing 5 years' service as a confirmed primary teacher is not maintainable in view of the amended Rule 4(b) of the Notification dated 13th September, 2021 and in such background we are of the view that the learned Single Judge was justified in rejecting the said application.
3. However, a submission is made on behalf of the writ petitioner/appellant that she is entitled to transfer on medical ground irrespective of her tenure of appointment, meaning thereby, it can be less than 5 years and in this regard the learned Counsel has

relied upon the judgment in ***Riya Bhadra Vs. The State of West Bengal & Ors.*** in ***WPA 2619 of 2024*** dated ***20th December, 2024.***

4. In the instant case, it is not an application on medical ground.
5. The dismissal of the appeal shall not prevent the writ petitioner/appellant to make appropriate application for transfer on medical grounds.
6. With the aforesaid observation, the appeal and the application are disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)