

W.P.A. 11323 OF 2025

**Moumita Seth
Vs.
The State of West Bengal & Others**

Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.

...for the Petitioner

Ms. Sulagna Bhattacharya, Adv.

...for the State

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

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

Mr. Avishek Prasad, Adv.
Mr. Sourodeep Singha, Adv.

...for D.P.S.C., Malda

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

Petitioner was appointed as a Primary Teacher
on 13th September, 2012 and at the time of making
application for transfer on 28th March, 2025, petitioner
completed five years as an approved teacher.

It is submitted on behalf of the petitioner that
after marriage permanent residence of the petitioner was
changed from Malda to Murshidabad requiring
consideration of petitioner's transfer application on the
ground of distance which would facilitate the petitioner
to stay with her husband. It is submitted since
application is made for inter-district transfer from Malda
to Murshidabad, transfer application is required to be

considered by the Secretary, West Bengal Board of Primary Education.

West Bengal Board of Primary Education, District Primary School Council, Malda and State respondents are represented by learned advocates.

Prayer of the petitioner has been opposed by the learned advocates representing the Board on the ground that at the time of appointment of the petitioner in 2012, she was a resident of Malda but due to marriage subsequently, permanent residence of the petitioner might have shifted from Malda to Murshidabad but that ought not to be the ground for transfer of the petitioner.

Having considered the respective submissions made on behalf of the parties, writ petition stands disposed of directing the Secretary, West Bengal Board of Primary Education to decide the transfer application of the petitioner dated 28th March, 2025 by six (6) weeks from the date of communication of this order. The decision to be taken by the Secretary, West Bengal Board of Primary Education shall be communicated to the petitioner by fortnight thereafter.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)