

33 19.06.2025
rkd Ct.18

W.P.A. 11229 of 2025

Swapan Kumar Das

-vs-

The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar

....for the petitioner.

Mr. Sangeeta Roy,
Mr. SomnathMukhopadhyay

....for the State.

Mr. Ranjan saha

....for the DPSC, Paschim Medinipur & Jhargram.

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

Petitioner made an application for transfer from
a primary school at Jhargram where he is presently
working to another school in Paschim Medinipur on
29th April, 2025 addressed to the President, West
Bengal Board of Primary Education.

It is also submitted by the learned advocate
representing the petitioner that petitioner joined the
present school as primary teacher on 6th February,
2017 and by this time he has completed five years of
service as confirmed teacher. Petitioner prays for
consideration of his transfer application dated 29th
April, 2025.

In terms of notification dated 13th September,
2021 whereby amendment was made to West Bengal

Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 it is provided in the said notification under Rule 2 amending Rule 4(b) that the teacher is required to complete five years of approved service in case of single transfer.

Since in the present case petitioner has completed five years of service as confirmed teacher this Court finds there is no impediment in giving direction upon the concerned respondent authority.

West Bengal Board of Primary Education, State respondents and District Primary School Councils, Paschim Medinipur & Jhargram are represented by learned advocates.

It is submitted on behalf of the Board in the event petitioner has not been previously transferred after being appointed he is entitled to be transferred provided the same is decided by the concerned authority of the Board based on transfer application made by the petitioner.

Having considered the submissions made on behalf of the respective parties writ petition stands disposed of directing the Secretary, West Bengal Board of Primary Education being respondent no.4 to decide transfer application of the petitioner in accordance with law within a period of six weeks from the date of communication of this order.

The decision to be taken by the respondent no.4 shall be communicated to the petitioner by fortnight

thereafter.

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

However, 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.)