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03.3.2025
Ct. No. 2
SB

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

W.P.A. 432 of 2025

Bratati Kar
Vs.
The State of West Bengal & Ors.

Mr. Debajit Kundu
Mr. Shuvro Prokash Lahiri
... for the petitioner

Ms. Rima Sarkar ... for the State

Mr. Saikat Banerjee (Through VC) ... for W.B.B.P.E.

Affidavit of service is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a primary school teacher. She had prayed for transfer on special ground. Although the applications were made before the concerned authorities on 02.9.2024 and 06.9.2024 the same has not been responded to as yet. Five years' bar is not applicable in the present case as the rules are in *pari materia* within the secondary school rules. On this, reliance is placed on a decision of the Division Bench rendered on 09.7.2024 in MAT 1065 of 2024 [Dipti Biswas vs. The State of West Bengal and Others] and another order dated 24.8.2023 passed in MAT 782 of 2023 [Suvadip Ghorai vs. State of West Bengal & Ors.]

Learned counsel appearing on behalf of the West Bengal Board of Primary Education submits that the prayer has to be considered by the Secretary of the Board.

It does not appear that prayer for transfer on special ground was made before the Secretary of the Board.

Accordingly, let the petitioner make a representation for transfer on special ground before the Secretary of the West Bengal Board of Primary Education at the earliest.

In the event such application is made within two weeks from this date, the Secretary shall consider the said representation in accordance with law by passing a reasoned order as expeditiously as possible, preferably within a period of eight weeks from the date of communication of such representation.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)