

49  
07.3.2025  
Ct. No. 2  
NB

**CALCUTTA HIGH COURT**  
IN THE CIRCUIT BENCH AT JALPAIGURI

**W.P.A. 551 of 2025**

Md. Nijamuddin Saikh  
Vs.  
The State of West Bengal & Ors.

Ms. Srijoni Chandan,  
Ms. Rajyashree Ghosh.  
... for the petitioner

Mr. Pretom Das,  
Mr. Pradip Sarkar.  
... for the State

Mr. Saikat Banerjee,  
Mr. K. Chowdhury.  
... WBBPSE

Mr. Sourav Ganguly,  
Ms. Rishita Chakraborty.  
...for the respondent nos.5&6.

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is an Assistant Teacher at the Uttar Khagrabari B.F. Primary School, Jalpaiguri. He has not completed five years of service. But on 02.01.2025, the petitioner was constrained to make an application for transfer on special ground as his spouse was suffering from serious gynecological problem as also on the ground of the distance between the residence and the workplace. Yet, the said representation has not been considered.

Heard the learned counsels for the respondents.

Let the Secretary of the Board consider his representation in accordance with law and expeditiously, preferably within a period of ten weeks from the date of communication of this order.

As the application for transfer is made on special ground, the bar of five years of continuous service would not be attracted.

The concerned authority shall consider the preferred schools for transfer and in the event no vacancy is available in the preferred schools, suitable vacancy of schools near the residence of the petitioner shall be offered to the petitioner.

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 the order, if applied for, be given to the parties, upon completion of requisite formalities.

**(Jay Sengupta, J.)**