

16.06.2025
Sl. No.29
akd

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

W. P. A. 1211 of 2025

[Kartik Barman -Vs- The State of West Bengal & Ors.]

Mr. Deborshi Dhar
Ms. Taniya Bhowmik
... .. for the petitioner

Mrs. Mousumi Bhowal
Ms. Prerna Mitra
Mr. Nigam Mittal
... for respondent nos.5 & 6
[DPSC, Cooch Behar]

Mr. Momenur Rahman
Ms. Patralekha Choudhury
... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition, being aggrieved by the inaction on the part of the respondent-District Primary School Council, Cooch Behar, in not considering his application for transfer on account of his wife's medical ailments.
3. It is the case of the petitioner that he is presently serving as an Assistant Primary Teacher at Dhulia Baldiahati 4th Plan Primary School, within the jurisdiction of District Primary School Council, Cooch Behar, Mekhliganj Circle. The petitioner further submits that he has to travel approximately 112 kms. daily (up and down) to attend the school, causes him considerable hardship. It is the contention of the petitioner that the school where he is presently posted maintains a ratio of more than 40 students

to 1 teacher which is in accordance with the statutory provisions. The petitioner is a surplus teacher and also duly eligible for transfer under the transfer rules and amendments made thereon. He further submits that his wife is suffering from medical ailments and accordingly he made an application dated 26.03.2025, for transfer to a school closer to his residence. Despite submitting the said representation dated 26.03.2025, there has been no action on the part of the respondent authorities till date.

4. Learned Advocate for the respondent nos. 5 and 6 submits that the authorities are ready and willing to consider the petitioner's representation dated 26.03.2025.

5. In view of the submission made by the learned Advocate for the respondent nos.5 and 6, learned counsel for the petitioner submits that his client shall be satisfied if the representation dated 26.03.2025 is decided in a time bound manner by the competent authority.

6. Accordingly, this Court directs the Secretary, District Primary School Council, Cooch Behar (respondent no.6) to consider the representation of the petitioner dated 26.03.2025 and pass a speaking order within a period of four weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner.

7. With the aforesaid directions, the present writ petition is disposed of.

8. There shall be no order as to costs.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)