

18.06.2025
Sl. No.15
Ct No. 3
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

W. P. A. 1234 of 2025

Mamata Giri
Vs.
The State of West Bengal and Ors.

Mr. Sudhir Ghosh Choudhury,
Mr. Soumyojit Laskar.
... for the petitioner

Mr. Momenur Rahman,
Mr. Sourav Sarkar.
... for the State

Mr. Ratul Biswas,
Mr. Bikramaditya Ghosh.
... for Primary Board

Mrs. Mousumi Bhowal,
Ms. P. Mitra.
... for DPSC

1. The petitioner has filed the present writ petition, being aggrieved by the inaction of the respondent authorities in not considering her application for transfer.

2. The petitioner is currently serving as an Assistant Primary Teacher at Dakshin Sikdarerkhata 5th Plan Primary School, Burkush, District Cooch Behar. She resides approximately 935 kilometers away from her present place of posting. It is submitted that the petitioner is suffering from multiple medical ailments, which necessitate her request for a transfer to a school nearer to her residence. Despite having submitted a representation to that effect, no action has been taken by the respondent authorities till date.

3. The petitioner relies on the judgment of a co-ordinate Bench of this Court in WPA 978 of 2025, wherein a direction was issued to the Secretary, Government of West Bengal Board of Primary Education, to consider the petitioner's application within a period of 90 days from the date of communication of the order. The petitioner contends that the present case is similar in nature and, accordingly, prays for a similar direction from this Court. She further places reliance on the judgment passed in MAT 672 of 2025, which holds that an application for transfer on the ground of distance, filed before completion of five years of service as a confirmed primary teacher, is not maintainable in view of the amended Rule 4(b) of the Notification dated 13.09.2021. However, the said judgment recognizes an exception in cases involving transfer on medical grounds, even where the period of service is less than five years. The said decision also relies on the judgment in Riya Bhadra vs. The State of West Bengal & Ors., WPA 2619 of 2024, dated 20.12.2024.

4. Learned counsel for the respondents contends that the petitioner may not be suffering from any medical condition, and submits that such a claim is subject to verification at the time of consideration of the application.

5. Be that as it may, this Court directs respondent no. 3 to consider and dispose of the

petitioner's application for transfer within a period of eight weeks from the date of communication of this order. While doing so, the respondent No.3 shall duly examine all documents submitted in support of the petitioner's medical condition. In the event the respondent No.3 is not satisfied with the materials on record, it shall be open to them to call for additional documents or reports for verification of the medical grounds. The petitioner shall also be afforded an opportunity of personal hearing prior to the final decision. The outcome of such consideration shall be communicated to the petitioner within one week thereafter.

6. Needless to state, if the petitioner is aggrieved by the decision taken by the respondent, she shall be at liberty to seek appropriate remedies in accordance with law.

7. With the above directions, the present writ petition stands disposed of.

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

9. There shall be no order as to costs.

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

(Gaurang Kanth, J.)