

Form No. J.(2)
Item No. 64
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 1811 of 2025

Prosenjit Sarkar

Vs.

State of West Bengal & Ors.

For the petitioner	:	Mr. Sk. Sahjahan Ali, Adv. Ms. Madhushree Dutta, Adv.
For the State	:	Mr. Hirak Barman, Adv. Ms. Pratusha Dutta Choudhury, Adv.
For the Respondent No.2/ WBBSE	:	Mr. Anirban Banerjee, Adv.
For the Respondent No.3	:	Mr. Kanak Kiran Bandyopadhyay, Adv.
Heard on	:	September 10, 2025
Judgment on :	:	September 10, 2025

Aniruddha Roy, J. :

Affidavit of service filed in Court today, is taken on record.

Mr. Sk. Sahjahan Ali, learned Advocate through virtual mode with Ms. Madhushree Dutta, learned Advocate appears physically for the petitioner.

Mr. Hirak Barman, learned Advocate with Ms. Pratusha Dutta Choudhury, learned Advocate appears for the respondents State.

Mr. Anirban Banerjee, learned Advocate appears for the respondent no.2/ WBBSE.

Mr. Kanak Kiran Bandyopadhyay, learned Advocate appears for the respondent no.3.

The writ petitioner presently is working as a **male** Assistant Teacher. **Paragraph 6** to the writ petition shows to go to school the petitioner has to travel about **32** kilometer each way which, according to him, is **travelling a long distance** as pleaded therein. Therefore, the petitioner seeks transfer on “**distance ground**”. The document, **Annexure-P3 at page 32** to the writ petition shows on **August 26, 2021** the application of the petitioner was **rejected** on the ground of **single teacher**. Thereafter, the petitioner has **further** applied seeking transfer on the same ground on **January 21, 2022**. On **February 25, 2022** the second application was **returned** as per the prayer of the petitioner/applicant on the basis of his personal problem. This clearly shows the petitioner is a **habitual transfer seeker**.

Learned Advocate Ms. Madhushree Dutta, appearing for the petitioner submits that, the petitioner has a kid, so travelling of such a **huge** distance is **burdensome**. Learned Advocate for the petitioner then has referred to the relevant rule from **Annexure-P4 at page 64** to the writ petition and then submits that, single teacher ground cannot be a valid ground for rejection of the application of the petitioner as already held by the Hon’ble Division Bench and is the settled law. Therefore, the petitioner is entitled to claim transfer and necessary order for transfer should be issued in favour of the petitioner.

Mr. Kanak Kiran Bandyopadhyay, learned Advocate appearing for the respondent no.3 submits that, the application for transfer of the petitioner was rejected in **2021** and the instant writ petition has been filed in **2025**.

Considering the rival submissions of the parties and upon perusal of the materials on record, it appears to this Court that, **firstly**, the petitioner is the habitual transfer seeker. **Secondly**, the petitioner does not want to travel at least **32 kilometer**.

Considering these facts, this Court is of the considered opinion that, the equitable jurisdiction of this Court in exercising power under Article 226 of the Constitution of India should not be exercised in favour of a habitual transfer seeker who does not want to travel even **32 kilometer** to attend the school as a teacher.

The writ petition is also a grossly belated writ petition.

In view of the foregoing reasons and discussions, this Court refrains from exercising its equitable jurisdiction in favour of the petitioner.

Accordingly, the writ petition, **WPA 1811 of 2025** stands **dismissed**, without any order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)