

05.02.2026
Sl. No.9
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. No. 2634 of 2025
Srimati Megha Shaw
Versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Debalina Chakraborty
...for the Petitioner.

Mr. Anirban Bose
Mr. Subhadeep Maitra
...for the State.

Mr. B.P. Vaisya
Mr. Gourav Das
Ms. Tapati Sarkar
...for the DPSC, South 24-Parganas.

Mr. B.P. Vaisya
Mr. Pinaki Bhattacharyya
...for the DPSC, North 24-Parganas.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE

1. By the present writ petition, the petitioner seeks for her transfer on the ground of medical emergency from the District of South 24-Parganas to the District of North 24-Parganas.
2. The petitioner contends that initially she joined as an Assistant Teacher in Rakhareswar Primary School, Labpur Circle District Birbhum on 25th August, 2021. The petitioner along with one Manas Mandal, Assistant Teacher of Paikan Free Primary School submitted application for mutual transfer on 7th March, 2024. Since the prayer for mutual transfer was not

considered, the petitioner along with said Manas Mandal filed one writ petition being WPA 7926 of 2024.

3. The said writ petition was disposed of on 8th April, 2024 with the following direction :

“In those circumstances, the Secretary, West Bengal Board of Primary Education may consider the petitioners’ application offline for mutual transfer strictly in accordance with applicable Rules and particularly after ascertaining the willingness of the counterpart within a period of eight weeks from date of receipt of a copy of this order and pass appropriate orders thereof.”

4. Pursuant thereto, the order for mutual transfer was allowed by the Secretary, West Bengal Board of Primary Education on 8th July, 2024. The petitioner thereafter joined at Paikan Free Primary School on 5th October, 2024.
5. Mr. Sudip Ghosh Chowdhury, learned Advocate appearing on behalf of the petitioner submits that the petitioner be granted liberty to make appropriate application before the authority concerned since her medical condition is deteriorated after mutual transfer.
6. On the contrary, Mr. Ratul Biswas, learned Advocate appearing on behalf of the West Bengal Board of Primary Education submits that the prayer for transfer is not maintainable in view of the express provision of Rule 6(1) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*hereinafter referred to as ‘Rules of 2002’*) which debars a teacher for applying for transfer within a period of five years from the date of transfer. The petitioner was mutually transferred on 8th July, 2024 and within five years the petitioner is again seeking for

her transfer. Therefore, the present writ petition is not maintainable and should be dismissed *in limine*.

7. The only question which falls for consideration in the fact and circumstances of the present writ petition is whether the prayer of the petitioner for transfer is maintainable or not.
8. Admittedly, pursuant to the order passed in WPA 7926 of 2024, the Secretary, West Bengal Board of Primary Education has passed order for mutual transfer of the petitioner on 8th July, 2024. Although, the order of transfer was agreed upon mutually, however, the petitioner took the ground of medical emergency in the earlier application as well annexing medical documents. There is no specific pleadings in the writ petition with regard to the medical urgency though such ground has been pressed by learned advocate for the petitioner. All medical prescriptions, save and except one, dates back to the years 2023 and 2024. No emergent situation could be demonstrated by the petitioner in the present writ petition.
9. Rule 6 of the aforesaid Rules of 2002 is reproduced hereunder for the sake of convenience of discussion:

“6. Bar to transfer. – (1) No teacher shall be eligible to apply for transfer for a period to five years from the date of transfer.
 (2) No teacher shall be eligible for transfer if he attains the age of fifty-seven years.
 (3) No prayer for transfer shall be entertained for next five years if the transfer order is not carried out by an approved teacher in whose favour a transfer order is issued.”
10. Upon bare reading of the aforesaid provision of Rule 6(1) of the said Rules, it clearly envisages that no teacher shall be eligible to apply for transfer for a

period of five years from the date of transfer. The petitioner having been transferred mutually on 8th July, 2024, is thus debarred from making fresh application as per the existing Rules.

11. In light of the aforesaid discussion, the writ petition is not at all maintainable.
12. Accordingly, the writ petition being **WPA 2634 of 2025** stands dismissed.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)