

March 17, 2026
Sl. No.22
Court No.1
s.biswas

MAT 232 of 2026
With
CAN 1 of 2026

Anirban Chakraborty
vs.
The State of West Bengal and others

Mr. Sarajit Sen
Mr. Saumyen Datta
Mr. Tapas Singha Roy
... for the appellant
Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Somnath Naskar
... for the respondent no.1
Ms. Shonini Chakraborty
... for the respondent no.2
(High Court Administration)
Mr. Debjit Mukherjee
Ms. P. Jana
... for the respondent no.3

Dictated by Sujoy Paul, C.J.

1. Parties are represented through their respective learned counsel.
2. This intra-court appeal takes exception to the judgment dated 20.01.2026 passed in WPA 29185 of 2025.
3. The case of the appellant/petitioner is that he has sought for transfer from judgeship of South 24 Parganas to judgeship of Hooghly. Admittedly, as per the scheme dated 19th June, 2012 issued by High

Court at Calcutta (annexure P-2), the decision regarding transfer needs to be taken on the anvil of Clause 3(i) which reads thus:

“3(i) An employee of any category, who seeks transfer from his present district to any other district on the ground of his personal problem, should submit his application for transfer through the respective District Judge. The District Judge should then forward the same to this Hon’ble court with his view stating interalia that in case of transfer of the said employee whether any inconvenience/problem will be caused in running the day-to-day administration in his judgeship.”

4. The learned counsel for the appellant/petitioner submits that the learned Single Judge has committed an error in mentioning in para 13 that judgeship of South 24 Parganas has not recommended his transfer to the judgeship of Hooghly. The petitioner was entitled to get a copy of the communication of judgeship of South 24 Parganas regarding his transfer. The said document has not been given to him. Apart from this, it is not “recommendation”, instead, “view of the said judgeship”.

5. A similarly situated employee who sought such transfer from district judgeship of another district i.e. from Kakdwip to Birbhum, his transfer request was accepted in view of the view expressed by the relevant judgeship.
6. Learned counsel for the High Court Administration supported the order.
7. We have perused the view of the learned District Judge, South 24 Parganas dated 16th April, 2025 and of the clear opinion that the learned Judge opined that in view of the dearth of staff it will be difficult to run day to day administration of judgeship if request of present appellant is allowed. In view of this clear finding, no error can be found in the decision of the High Court Administration in not accepting the transfer of petitioner.
8. So far question of discrimination with another employee is concerned, we are inclined to observe that it depends on the fact situation, employees strength, administrative exigency/convenience

which is applicable in each district. Merely because in the fact situation of another district one permission has been granted, as a rule of thumb, it cannot be directed to be extended in all other districts.

9. Transfer cannot be prayed for as a matter of right. It depends on administrative exigency of the department and the department is the best judge and most suited to take such decision. We find no error in the judgment of learned Single Judge. The intra-court appeal and connected interlocutory application are **dismissed**.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)