

19.02.2026
Sl. No.1,3&4(DL)
Ct. No.14
srm

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

**WPA 4175 of 2025
Manoj Kumar Mudi & Ors.
Versus
The State of West Bengal & Ors.
with
WPA 4258 of 2025
Mahiuddin Ahmed & Ors.
Versus
The State of West Bengal & Ors.
with
WPA 4268 of 2025
Mousumi Ghosh & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Shamim ul Bari	... for the Petitioners (in all writ petitions)
Mr. Bhaskar Prasad Vaisya, Mr. Pinaki Bhattacharya	... for the DPSC, North 24-Parganas (in WPA 4175 of 2025)
Mr. Bhaskar Prasad Vaisya, Mr. Suman Dey	...for the DPSC, Bankura (in WPA 4175 of 2025)
Mr. Bhaskar Prasad Vaisya, Mr. Nilay Baran Mandal	...for the DPSC, Purulia (in WPA 4175 of 2025)
Mr. Jahar Datta, Mr. Bipin Ghosh	...for the State. (in WPA 4175 of 2025)
Mr. Subir Sanyal, Sr. Adv. Mr. Ratul Biswas, Mr. Kaushik Chowdhury	...for the WBBPE (in all writ petitions)
Mr. Arindam Chattopadhyay, Ms. Lipika Chatterjee	...for the DPSC, Nadia (in WPA 4258 of 2025)
Sk. Nayeemul Hoque, Ms. Tapati Sarkar	...for the DPSC, Murshidabad (in WPA 4258 of 2025)
Ms. Sabnam De Bardhan, Ms. Kakali Naskar	...for the State (in WPA 4258 of 2025 & WPA 4268 of 2025)

Mr. Avishek Prasad

...for the DPSC, Malda
(in WPA 4268 of 2025)

Sk. Nayeemul Hoque,
Ms. Tapati Sarkar

...for the DPSC, Murshidabad
(in WPA 4268 of 2025)

1. These matters are appearing in the list under the heading "*For Orders*".
2. By the present writ petition, the petitioners seek for setting aside and/or cancellation of orders passed by respondent no.5, Secretary, West Bengal Board of Primary Education.
3. Since the subject matters pertaining to the present writ petitions are similar, hence these matters are taken up analogously.
4. The petitioners contend that they are Assistant Teachers in primary schools under different District Primary School Councils. The petitioners have applied for mutual transfer amongst themselves. The prayer of the petitioners was rejected by the Secretary, West Bengal Board of Primary Education applying the Rules particularly Rule 3(1), Rule 4(10) and Rule 5 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 (*hereinafter referred to as 'Rules of 2012'*) as there is no guidelines or procedures in the relevant rules for mutual transfer of primary school teachers where more than two teachers of different primary schools are involved. Being aggrieved by such orders passed by the Secretary, West Bengal Board of Primary Education on 17th January, 2025, the petitioners have preferred these writ petitions.

5. Mr. Bari, learned advocate for the petitioners submits that there is no such provisions in the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*hereinafter referred to as 'Rules of 2002'*) debarring three persons from seeking mutual transfer. The impugned orders under challenge have been passed by the Secretary, West Bengal Board of Primary Education basing on the rules applicable to Secondary Education. The State-respondents in its report have accepted that the relevant rules for mutual teacher of primary school teachers is silent as to whether three teachers can seek for mutual transfer or not. Referring to the supplementary affidavit, he indicates that the Chairman of different District Primary School Councils have passed orders for mutual transfer of three persons. Thus, there is no bar as such to accede to the prayer of the petitioners seeking for their mutual transfers. He seeks for setting aside of the impugned orders.
6. Mr. Subir Sanyal, learned senior advocate appearing for the respondent Board referring to Rule 4(b) of the Rules of 2002 submits that on an application from a teacher a mutual or single transfer is effected. Thus, the rules specifies of a single application and not three applications at time. Moreover, for the administrative convenience, mutual transfer of three persons at a time is uncalled for. The orders passed by the Council are *dehors* existing rules. He also indicates that for

mutual transfer one has to apply through on-line portal “*Utsashree*” which is effective from 2024. The application by the petitioners for mutual transfer, if filed through on-line, can be considered and processed. There is no such option in the on-line portal to have transfer of three persons mutually at a time. In light of the aforesaid submission he seeks for dismissal of the writ petition. However, he informs the Court that if the petitioners file separate application for mutual transfer through “*Utsashree*” portal then Board will consider the same in accordance with law.

7. In reply, Mr. Bari, learned Advocate for the petitioners submits that the technicalities cannot be a bar for getting the benefits under law. He also indicates that at the time when the petitioners filed their applications, online portal was not effective.
8. Pursuant to order of this Court, the Board produces one sample copy of mutual transfer application details downloaded from the portal. The said page records the columns “*request initiated by*” and “*request accepted by*”. The learned Senior Advocate for the Board informs the Court that the process is that whenever an application is filed by a teacher seeking for transfer, the necessary details are uploaded and if any teacher is available for mutual transfer the request is accepted accordingly.
9. Rule 4(b) clearly envisages that an application is to be made by a teacher seeking for mutual transfer or single transfer. The portal of the Board, namely

“*Utsashree*” has been designed for processing the transfers of teachers, single or mutual, as the case may be. It is found that the petitioners have not applied through “*Utsashree*” portal. Such portal is in existence for effecting transfers. It will be appropriate for the petitioners to avail such online portal seeking their transfer.

10. In the circumstances of the present case, the petitioners cannot claim parity with the orders passed by the Chairman of District Primary School Councils annexed to the supplementary affidavit.
11. In light of the aforesaid discussions, liberty is granted to the petitioners to apply online separately through “*Utsashree*” portal within a period of four weeks from date. Upon such application been made, the Board shall consider the same in accordance with law.
12. With the above direction, the writ petitions being **WPA 4175 of 2025, WPA 4258 of 2025** and **WPA 4268 of 2025** stand disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petitions is deemed to be not admitted,
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

18. 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.)