

19.03.2026
Item No. 23
Ct. No. 14
AN

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

**WPA 16724 of 2025
Tuhina Maiti
vs.
State of West Bengal & ors.**

Mr. Rudranil De
Mr. Soumo Charan
... for the petitioner

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE
... for the DPSC, Howrah

Mr. Pinaki Dhole
Mrs. Tithi Paul
... for the State

Mr. Ranjan Saha
... for the DPSC, Paschim Medinipur

1. By the present writ petition the petitioner seeks for inter-District transfer from the District of Howrah to the District of Paschim Medinipur.
2. The petitioner contends that she joined as an Assistant Teacher in Jagadishpur North Primary School under Uluberia North Circle, Howrah on 26th July, 2021. The petitioner has been confirmed in service with effect from 26th July, 2023. The petitioner has to travel almost 84 kms. to attend her school. The petitioner made a representation on 30th June, 2025 before the concerned authorities. However, the same is still pending consideration. Hence this writ petition.

3. Mr. Rudranil De, learned advocate appearing for the petitioner submits that the petitioner is a surplus teacher of the school and as such her transfer application may be favourably considered.

4. Mr. Kaushik Chowdhury, learned advocate appearing for the respondent Board and District Primary School Council, Howrah submits that the application seeking transfer has been filed within a period of 5 years of joining and the application of the petitioner cannot be considered prior to completion of such period as per Rule 4(b) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002, (*hereinafter referred to as "Rules of 2002"*).

5. Learned advocate appearing for the petitioner, at this stage, seeks liberty to submit a fresh application for transfer before the concerned authority after completion of 5 years.

6. In order to examine the aforesaid contention, it would be profitable to reproduce Rule 4(b) of the Rules of 2002 as hereunder:

"On an application from a teacher, transfer approved teacher within its jurisdiction from one Primary School to another Primary School on the condition that such approved teacher, in case of mutual transfer, is confirmed and in case of single transfer, is confirmed and has completed minimum five years of continuous service."

7. Considering the above, since the application has been filed within 5 years of joining in service, the writ petition falls short of merit and is liable to be dismissed.

8. Accordingly, the writ petition being **WPA 16724 of 2025** stands dismissed.

9. However, it is left open to the petitioner to file a fresh application seeking transfer upon completion of five years.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. 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.)