

19.03.2026
Item No. 24
Ct. No. 14
AN

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

WPA/16770/2025
AMIT MONDAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dibyendu Chatterjee
Mr. Rahul Deb Goenka
Ms. Satabdi Das
Mr. Moinak Singha Barma
Ms. Sunanda Chatterjee

...for the Petitioner.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... for the WBBPE

Mr. Jyoti Prakash Chatterjee

...for the State.

Md. Sarwar Jahan
Sk. Nayeemul Haque
Ms. Tapati Sarkar

...for DPSC, Murshidabad.

1. By the present writ petition the petitioner seeks for direction upon the respondent authorities for consideration of his application for transfer on the basis of merit list of TET, 2014 to a nearby school to his residence.
2. The petitioner contends that he joined as an Assistant Teacher in 49, Satbhaipara Primary School under J. N. Circle on 26th November, 2022. The petitioner has completed two years of continuous service. On 26th June, 2025, the petitioner made a representation before the concerned authority seeking transfer. However, the same is still pending consideration. Hence this writ petition.

3. Mr. Dibyendu Chatterjee, learned advocate appearing for the petitioner submits that though the petitioner is ranked higher in the merit list of TET, 2014 than Md. Navid Anjum Hossain, yet he has been posted to a far off school than the said Md. Navid Anjum Hossain, which is 93 kms. away from his place of residence. The petitioner ought to have been given preference by the respondent authorities at the time of counseling to a nearby school of his choice. He seeks for appropriate orders.

4. Md. Sarwar Jahan, learned advocate appearing for the respondent District Primary School Council, Murshidabad submits that the petitioner has not raised any objection and continued to discharge his functions in the said School for last three years. Moreover, the petitioner is a general category candidate while the said Md. Navid Anjum Hossain is the candidate under OBC(A) category. Therefore, the petitioner cannot claim such ground at present for his transfer which is not at all tenable.

5. Mr. Jyoti Prakash Chatterjee, learned advocate representing the State and Mr. Kaushik Chowdhury, learned advocate appearing for the Board submits in the similar fashion as advanced by learned advocate appearing for the respondent DPSC, Murshidabad.

6. Admittedly, the petitioner was appointed on 24th November, 2022. The petitioner joined in the said School on 26th November, 2022 and has been continuously discharging his functions without any objections regarding preference of choice of schools. Rule 4(b) of the West

Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 provides 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. Upon bare reading of the aforesaid provision it manifest that there is a clear embargo to seek transfer before completion of five years of continuous service. The petitioner has submitted his transfer application on 26th June, 2025, i.e., within a period of three years from the date of his joining. Hence, the writ petition falls short of merit.

8. Accordingly, the writ petition being **WPA 16770 of 2025** stands dismissed.

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

10. Interim order, if any, stands vacated.

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

12. There shall be no order as to costs.

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

14. 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.)