

09.04.2026
Item No. 11
Ct. No. 14
AN

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

**WPA 18947 of 2025
Nasim Sultana
vs.
State of West Bengal & ors.**

Sk. Sahjahan Ali

... for the petitioner

Mr. Gourav Das

Mr. Sandip Chattopadhyay

... for the State

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

... for the WBBPE

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon the respondent authorities to grant inter district transfer from the District of Dakshin Dinajpur to the District of Purba Medinipur on distance ground upon consideration of the representation of the petitioner dated 21st April, 2025.
3. The petitioner contends that she is an Assistant Teacher of Kantatair F. P. School, Post Office Jahangirpur, District Dakshin Dinajpur. The petitioner joined the said school on 28th July, 2021. The petitioner has completed two years of

continuous service. The petitioner's house is about 450 kms. away from her present place of posting. On 21st April, 2025, the petitioner made a representation before respondent no. 2, the Secretary, West Bengal Board of Primary Education seeking her transfer on distance ground. However, the same is still pending consideration. Hence this writ petition.

4. Mr. Gourav Das, learned advocate representing the State submits referring to Rule 4(b) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (hereinafter referred to as "*Rules of 2002*") (as amended) that an approved teacher has to complete minimum five years of continuous prior to seeking for transfer.
5. Sk. Sahjahan Ali, learned advocate appearing for the petitioner concedes that the representation of the petitioner seeking transfer has been made within five years and, therefore, he seeks liberty to file a fresh representation after expiry of five years.
6. In order to examine the above issue it would be profitable to reproduce Rule 4(b) of the Rules 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 seeking transfer has been filed within 5 years of joining in service, the writ petition falls short of merit and is liable to be dismissed.
8. With the above observations, the writ petition being **WPA 18947 of 2025** stands dismissed.
9. However, it is left open to the petitioner to make fresh representation before the appropriate authority after completion of five years of continuous service.
10. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
11. Consequently, connected applications, if any, also stand disposed of.
12. Interim orders, if any, stand vacated.
13. There will be no order as to costs.
14. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)