

16.04.2026
Sl. No.27
Ct. No.14
gd

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

WPA/22187/2025
NURTAJ BEGUM
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Kingsuk Mondal
Mr. Suman Das

...for the Petitioner.

Mr. Dwarikanath Mukherjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for WBBPE.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for DPSC, Howrah.

Md. Sarwar Jahan
Sk. Nayeemul Hoque

...for DPSC, Murshidabad.

1. By the present writ petition the petitioner seeks direction upon the respondent authorities to grant inter district transfer from district of Howrah to district of Murshidabad on medical as well as distance ground.
2. The petitioner contends that she joined as an Assistant Teacher of Kastosangra Lalit Mohan Primary School under Amta East Circle, District-Howrah on 28th July, 2021. The petitioner has been confirmed in service with effect from 28th July, 2023. The petitioner's house is situated about 311

Kilometers away from her present place of posting and she is staying in a rented accommodation near to her work place. The petitioner is suffering from various gynecological problems. On 16th August, 2025 the petitioner made a representation before the Secretary, West Bengal Board of Primary Education seeking transfer. However, the same is still pending consideration. Hence this writ petition.

3. On the previous date i.e. 5th February, 2026 Mr. Ratul Biswas, learned advocate for the Board indicated that previously the petitioner filed a writ petition being WPA 24720 of 2024 and also an appeal being FMA 750 of 2025 which has not been disclosed in the writ petition.
4. Mr. Kingsuk Mondal, learned advocate appearing for the petitioner seeks leave to file supplementary affidavit disclosing the facts of the previous cases.
5. Leave granted.
6. Supplementary affidavit filed on behalf of the petitioner is taken on record.
7. Mr. Mondal, learned advocate for the petitioner submits that previously the petitioner prayed for her transfer on the ground of distance only. Presently the petitioner is seeking transfer on the ground of her self-medical condition. Therefore, the cause of action is different compared to the earlier writ petition. He seeks for relegating the matter to the Board for due consideration of the prayer of the petitioner.

8. Mr. Dwarikanath Mukherjee, learned advocate appearing for the West Bengal Board of Primary Education at the outset indicates that on an application of the petitioner she has been transferred to Dakshin Thanamakua Free Primary School pursuant to order passed by the Hon'ble Division Bench in FMA 750 of 2025. Rule 6(1) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (hereinafter referred to as the "Rules of 2002") debars the teachers from applying for transfer within a period of seven years from such date. He seeks for dismissal of the writ petition.
9. Admittedly, the petitioner applied for her transfer previously. As such prayer was not considered by the authority concerned, the petitioner filed a writ petition being WPA 24720 of 2024 for transfer on distance ground.
10. The aforesaid writ petition was disposed of on 10th March, 2025 as follows:

"The distance itself is no ground for transfer unless it is coupled with some other factors. The petitioner is receiving house rent allowance for the purpose of her stay at her place of posting.

The petitioner, if a surplus teacher, the Howrah District Primary School Council shall take appropriate steps for her transfer to any school where there is shortage of teacher.

The prayer of the petitioner for transfer therefore is refused."
11. Challenging the aforesaid order passed in the writ petition the petitioner preferred an appeal being FMA

750 of 2025 which was disposed of on 22nd May, 2025 with the following direction:

“3. In directing the transfer, the Howrah DPSC shall take into consideration that she has a child of 5 years’ old and a lenient consideration is desirable.”

12. Pursuant to such order, the Chairman, District Primary School Council, Howrah has passed an order on 10th February, 2026 effecting transfer of the petitioner to Dakshin Thanamakua Free Primary School under Jagacha Circle, District-Howra. It is informed that the petitioner has already joined the said school. The petitioner is presently residing in a rented accommodation near her place of posting. The petitioner has pressed into service the ground of her medical condition. Be that as it may, as the petitioner is staying near her place of posting, hence it cannot be said that the petitioner is facing hazardous journey in attending school effecting her medical condition.
13. Moreover, the aforesaid direction was issued by the appeal court in view of the application made by the petitioner seeking transfer.
14. Rule 6(1) of Rules of 2002 as amended provides that no teacher shall be eligible to apply for transfer for a period of seven years from the date of transfer. It relevant to note that the order of transfer has been passed on 10th February, 2026 pursuant to order passed by appellate court on 22nd May 2025. Thus, it is found that the petitioner has prayed for her transfer once again within seven years of date of

transfer. In view of the express provisions of Rule 6(1) of the Rules of 2002, such prayer for transfer is barred at this stage.

15. Accordingly, the writ petition being **WPA 22187 of 2025** stands dismissed.
16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
21. 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.)