

16.04.2026
Sl. No.36(DL)
Ct. No.14
srm

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

W.P.A. No. 23204 of 2025

Mithun Biswas

Versus

The State of West Bengal & Ors.

Mr. Souma Subhra Ray,
Ms. Annushree Mondal,
Ms. Priyanka Patra

...for the Petitioner.

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal

... for the DPSC, Purba Bardhaman.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Mr. Saibal Acharyya, learned Advocate for the District Primary School Council, Purba Bardhaman submits that copy of the writ petition be handed over to him.
3. Learned Advocate for the petitioner undertakes to serve copy of the writ petition.
4. By the present writ petition, the petitioner seeks direction upon the respondent authorities to grant for his intra district transfer to a school nearby to his place of residence upon consideration of his representation.
5. The petitioner contends that he joined as an Assistant Teacher in Nakadaha F.P. School under Purbasthali North Circle, District Primary School Council, Purba Bardhaman on 14th July, 2010. The petitioner has

already completed two years of continuous service. On his application for mutual transfer, the petitioner was transferred on 30th September, 2021 and he joined in the transferred school, namely Jakra F.P. School under Satgachia Circle, District Primary School Council, Purba Bardhaman on 5th October, 2021. The petitioner made prayer for intra district transfer on medical ground on 29th August, 2025. However, the same is still pending consideration. Hence, this writ petition.

6. Mr. Souma Subhra Ray, learned Advocate for the petitioner submits that matter be relegated to the Chairman, District Primary School Council, Purba Bardhaman for consideration of the representation of the petitioner dated 29th August, 2025 for his transfer.
7. Mr. Saibal Acharyya, learned Advocate for the District Primary School Council, Purba Bardhaman submits that the petitioner has made application for transfer within the period of seven years from the date of the earlier transfer, which is a bar under Rule 6(1) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*in short Rules of 2002*) and as such the prayer for transfer is not maintainable.
8. Admittedly, on his application for mutual transfer the petitioner was transferred on 30th September, 2021 and he joined his present place of posting, i.e. Jakra

F.P. School under Satgachia Circle, District Primary School Council, Purba Bardhaman on 5th October, 2021. Rule 6(1) of the Rules of 2002, as amended, provides that no teacher is eligible to apply within seven years of his transfer. The application has been made on 29th August, 2025 which is within seven years of the order of transfer. In light of above, the writ petition falls short of merit.

9. Accordingly, the writ petition being **WPA 23204 of 2025** stands dismissed.
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.)