

14.05.2026
Item No. 56
Ct. No. 14
AN

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

**WPA 25800 of 2025
Sougata Saha
vs.
State of West Bengal & ors.**

Mr. Himadri Sikhar Chakraborty
... for the petitioner

Mr. Avishek Prasad
... for the DPSC, Malda

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 intra district transfer to a school nearby his residence on the medical ground of his wife and child upon consideration of the representation of the petitioner dated 18th August, 2025.
3. The petitioner contends that he is an Assistant Teacher of Kotol Mollabari Primary / Junior School under Tulshihata Circle, District Malda. The petitioner joined the said school on 19th February, 2021. The petitioner has been confirmed in the service with effect from 19th February, 2023. The petitioner's house is 78 kms. away from his present place of posting. The wife of the petitioner delivered a premature baby which resulted in severe

neurological problems in the baby. The petitioner's wife is also suffering from various gynecological disorders. On 18th August, 2025, the petitioner made a representation before respondent no. 6, the Chairman, District Primary School Council, Malda seeking his transfer on the medical ground of his wife and child. However, the same is still pending consideration. Hence this writ petition.

4. Mr. Himadri Sikhar Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is pressing this application on the medical ground of his child only. The child is suffering from serious neurological problems due to premature delivery and had to remain in NICU for 76 days. The child has suffered brain hemorrhage and Intrauterine Growth Restriction alongwith oligohydramnios. The child needs care of the parents. The wife of the petitioner, who is also an Assistant Teacher has been transferred to a school nearby her residence on the ground of such medical condition of the child. He seeks that the matter be relegated to the appropriate authority for due consideration in accordance with law.
5. Mr. Avishek Prasad, learned advocate appearing for the respondent District Primary School Council, Mada submits that the wife who is also an Assistant Teacher has been transferred on the ground of the

medical sufferance of the child. The petitioner on the similar ground is seeking transfer. However, if the matter is relegated to the appropriate authority, the same will be considered in accordance with law.

6. It is found from the medical report annexed to the writ petition at page 44 that the child of the petitioner is suffering from severe neurological disorders. It is not in dispute that the wife of the petitioner who is also an Assistant Teacher has been transferred on such ground. However, that does not preclude the petitioner from seeking transfer on the similar ground of medical sufferance of the child.
7. In view of the submissions advanced by the respective parties, respondent no. 6, the Chairman, District Primary School Council, Malda is directed to consider the representation of the petitioner dated 18th August, 2025 and dispose of the same by passing a reasoned order in accordance with law, subject to production of medical documents, upon notice to the petitioner, within a period of eight weeks from the date of communication of this order.
8. The reasoned order shall be communicated to the petitioner within a week from the date of passing of such order.
9. Respondent no. 6, the Chairman, District Primary School Council, Malda is granted liberty to seek for

medical examination of the petitioner's child, prior to the consideration of the representation of petitioner.

10. The petitioner is directed to communicate this order to respondent no. 6, the Chairman, District Primary School Council, Malda for necessary compliance alongwith copy of the representation dated 18th August, 2025.
11. With the above directions, the writ petition being no. **WPA 25800 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
13. Consequently, connected applications, if any, also stand disposed of.
14. Interim orders, if any, stand vacated.
15. There will be no order as to costs.
16. 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.)