

15.01.2026
Sl. No.14
Ct. No.14
ss

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

W.P.A. No. 27040 of 2024

**Gopa Biswas
Versus
The State of West Bengal & Ors.**

Mr. Shuvro P. Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

...for the Petitioner.

Mr. Arindam Chattopadhyay
Mr. Soumik Dey

...for the DPSC, Nadia.

Mr. Avishek Prasad

... 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. Supplementary affidavit filed on behalf of the petitioner in terms of earlier order of this Court dated 12th August, 2025, is also taken on record.
3. By the present writ petition, the petitioner seeks for direction upon the respondent authorities to allow her prayer for transfer to any nearby school to her place of residence from Nadia District Primary School Council to any school in Kamarhati New Circle under North 24-Parganas District Primary School Council.
4. The petitioner contends that she joined as an Assistant Teacher in Hatgobindapur Paschimpara Primary School on 9th July, 2021. The petitioner has completed

two years of mandatory probation period and is deemed to have been confirmed in service. The petitioner is suffering from serious gynaecological disease. The petitioner has to travel 164 Kilometers, which is causing extreme difficulty for her in attending her present place of posting from her residence. On 18th September, 2024 the petitioner made a representation for her inter-district transfer before the President, West Bengal Board of Primary Education and other authorities. However, the said representation is still pending for consideration. Hence, this writ petition.

5. Mr. Shuvro P. Lahiri, learned Advocate appearing on behalf of the petitioner submits that the matter may be relegated to the appropriate authority for considering and deciding the representation of the petitioner dated 18th September, 2024 for her transfer.
6. On the contrary, Mr. Avishek Prasad, learned Advocate appearing on behalf of the State submits that as per the provisions of Rule 4(b) of the West Bengal Primary Education (Transfer of Teachers including Head Teachers) Rules, 2002 as amended on 13th September, 2021, the concerned teacher has to complete five years of continuous service prior to seeking transfer and as such the application of the petitioner for transfer submitted without completing five years of service is not at all sustainable in the eye of law. He seeks for dismissal of the writ petition.

7. In reply, Mr. Lahiri, learned Advocate for the petitioner submits that by order of a co-ordinate Bench of this Court passed in earlier writ petition being *WPA 423 of 2025 (Ratna Sutradhar -versus- State of West Bengal & ors.)* the transfer has been effected on the ground of distance upon considering the representation of the petitioner by the Board prior to completion of continuous service of five years.
8. Having heard the learned Advocates for the respective parties, the only issue which falls for consideration is whether the representation of the petitioner made on 18th September, 2024 prior to completion of five years of continuous service can be considered by the authority.
9. In examining the issue it would be profitable to reproduce the relevant portion of the observation of the Hon'ble Division Bench in *Animesh Majumdar versus The State of West Bengal & ors. (MAT 746 of 2025)* as hereunder:

“ Under the Transfer Rules a detailed procedure has been provided towards consideration of an application for transfer submitted by a teacher. Admittedly, the appellant's application for transfer dated 27th September, 2024 has not been considered as yet by the competent authority being the Secretary of the Board. As is customary in writ jurisdiction, the writ Court would, at the first instance, ordinarily not do the thing or render the decision that the executive functionary ought to do in the circumstances.

In view thereof, the order impugned in the present appeal is set aside and the respondent no.3 is directed to consider the appellant's application for transfer dated 27th September, 2024, strictly in consonance with the Transfer Rules and to take a decision, in accordance with law and communicate the same to the appellant”.

10. In *Madhumita Ghosh versus The State of West Bengal & Ors. (MAT 672 of 2025)*, the application for transfer was

made within five years of service and the writ petition was dismissed by the Single Bench. In appeal, the Hon'ble Division Bench while dismissing the appeal since the ground of transfer application was distance, granted liberty to the appellant-petitioner to make an application for transfer on medical ground.

11. Following the observation of the Hon'ble Division Bench in *Animesh Majumdar (supra)* and in *Madhumita Ghosh (supra)* and since the authorities have yet to consider the representation of the petitioner, accordingly, the respondent no.4, the Secretary, West Bengal Board of Primary Education is directed to consider the representation of the petitioner dated 18th September, 2024 and dispose of the same strictly in accordance with law, upon notice to the petitioner by passing a reasoned order, within a period of six weeks from the date of communication of this order.
12. The reasoned order is to be communicated to the petitioner within one week from the date of passing of such order.
13. The respondent No.4, the Secretary, West Bengal Board of Primary Education can seek for medical examination of the petitioner before considering the representation, if so required.
14. Learned advocate for the petitioner is directed to communicate this order to the respondent no.4, the Secretary, West Bengal Board of Primary Education.

15. With the above direction, the writ petition being **WPA 27040 of 2024** stands disposed of.
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.)