

09.04.2026
Sl. No.3
Ct. No.14
gd

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

WPA/27124/2025
SHEULI KHATUN

VS

STATE OF WEST BENGAL AND ORS.

Mr. Suman Dey
Ms. Sayantanee Bhattacharjee
...for the Petitioner.

Mr. Bikash Chakraborty
...for the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
...for WBBPE.

Mr. Bhaskar Prasad Vaisya
Mr. Gourav Das
Ms. Tapati Sarkar
...for DPSC, South 24-Parganas.

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharya
...for DPSC, North 24-Parganas.

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities to grant inter district transfer to the petitioner from district of South 24-Parganas to district of North 24-Parganas.
3. The petitioner contends that she joined as an Assistant Teacher of Nalgora 9 No. Free Primary School within Kultali South Circle, District-South 24-Parganas on 4th September, 2024. The petitioner is yet to be confirmed

in service. The petitioner has to travel 200 Kilometers to reach her place of posting. After marriage the petitioner gave birth to a child, who died at the time of birth. Due to serious gynaecological disorder the petitioner is unable to conceive since then and she is under medical treatment for enabling her to conceive. The petitioner is presently aged 37 years. On such score the petitioner made a representation before the concerned authority on 29th August, 2025 seeking transfer. However, the same is still pending consideration. Hence this writ petition.

4. Mr. Suman Dey, learned advocate appearing for the petitioner submits matter may be relegated to appropriate authority for consideration of the representation of the petitioner for her transfer in accordance with law.
5. Learned advocates representing the Board as well as the councils submit that the petitioner has not yet been confirmed in service and, therefore, the application for seeking transfer could not be considered.
6. In reply to such contention, Mr. Dey, learned advocate for the petitioner relying on the decision of a Coordinate Bench of this court passed in **Jayanta Ghosh v. State of West Bengal and Others** reported in **2025 SCC OnLine Cal 2073** submits that even though the probation period is not completed, the prayer for transfer can be considered by the appropriate authority.

7. The document annexed to the writ petition shows that the petitioner is suffering from gynaecological issues. Previously the petitioner conceived. However, the child succumbed to death on birth. Considering the entire circumstances this court is of the view that the appropriate authority ought consider the representation of the petitioner dated 29th August, 2025 in accordance with law. This court finds substance in1 submission of Mr. Dey, learned advocate for the petitioner relying on ***Jayanta Ghosh (Supra)***.
8. In view of the above, respondent no.4, the West Bengal Board of Primary Education is directed to consider the representation of the petitioner dated 29th August, 2025 and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner within a period of 10 weeks from the date of communication of this order.
9. The reasoned order shall be communicated to the petitioner within one week from passing thereof.
10. It is made clear that this order is passed in the peculiar facts and circumstances of the present case and this should not be treated as a precedent.
11. Learned advocate for the petitioner is directed to communicate this order to respondent no.4, the West Bengal Board of Primary Education, for necessary compliance.
12. With the aforesaid directions, the writ petition being **WPA 27124 of 2025** stands disposed of.

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