

26.02.2026
Sl. No.12
Ct. No.14
gd

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

WPA/27697/2025
SAIKAT ROY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Anindya Bose
Ms. Tina Biswas
Ms. Raina Das

...for the Petitioner.

Mr. Chittaranjan Ghosh

...for the State.

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya

...for DPSC, North 24-Parganas.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for setting aside and/or withdrawal of the order of transfer issued by the Chairman, District Primary School Council, North 24-Parganas under Memo No.3433/A/1(a)/79/Trans. dated 8th September, 2025.
3. The petitioner contends that he joined as Assistant Teacher on 11th March, 2025 in Tangra Tarapara FP School under Hasnabad South Circle. The petitioner has been transferred in the month of September, 2025 i.e. within six months of his joining *de hors* the existing

rules. Hence this writ petition seeking for cancellation/ withdrawal of the impugned order of transfer.

4. Mr. Anindya Bose, learned Advocate appearing for the petitioner at the outset referring to Rule 4 of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (hereinafter referred to as the Rules, 2002) submits that for effecting transfer the teacher has to be an approved teacher. The petitioner is yet to be approved. Further there are no surplus teacher in the school from which the petitioner has been transferred. He seeks for setting aside order of transfer.
5. Mr. Bhaskar Prasad Vaisya, learned Advocate appearing for the District Primary School Council, North 24-Parganas informs the court that the petitioner is not the surplus teacher in the school from where he has been transferred.
6. Having heard the learned advocates for respective parties, the only issue which falls for consideration is whether the transfer order issued by the Chairman, District Primary School Council, North 24-Parganas is sustainable in law.
7. From Rule 4 of Rules of 2002 (as amended), it manifests that the Council on its own motion or on an application from the teacher, can transfer approved teacher within its jurisdiction from one primary school to another primary school on condition that such

approved teacher is confirmed and has completed minimum five years of continuous service.

8. Admittedly, the petitioner has joined on 11th March, 2025 and has completed only six months of his service. It is not in dispute that the petitioner is not yet confirmed in service. It is informed by learned advocate for the DPSC, North 24-Parganas, that the petitioner is also not the surplus teacher of the school from where he has been transferred. Such being the position, the impugned order of transfer is not sustainable in law.
9. In view of the above, the order of transfer dated 8th September, 2025 issued by respondent no.5, Chairman, District Primary School Council, North 24-Parganas is hereby set aside.
10. Consequently, all the necessary papers relating to the service of the petitioner be reverted back to the previous place of posting, forthwith.
11. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, Chairman, District Primary School Council, North 24-Parganas, for necessary action.
12. With the above direction, the writ petition being **WPA 27697 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.)