

12.03.2026
Sl. No. 14
Ct. No.14
AN

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

WPA/28354/2024
NILUFAR YEASMIN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Shuvro P. Lahiri Mr. Rajesh Naskar Mr. Ankan Mondal	...for the Petitioner.
Mr. Suman Dey	...for the State.
Mr. Ratul Biswas Mr. Kaushik Chowdhury	...for the W.B.B.P.E.
Mr. Avishek Prasad	... for the DPSC, Malda
Ms. Sumita Sen Mr. Kaushik Chowdhury	...for the DPSC, Birbhum.

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 inter-district transfer from the District of Malda to the District of Birbhum.
3. The petitioner contends that she joined as an Assistant Teacher in Kuilpara Makhna Primary School, District Malda on 19th February, 2021. The service of the petitioner has been confirmed with effect from 19th February, 2023. The residence of the

petitioner is about 90 kms. away from her work place. On 6th September, 2024, the petitioner made a representation before respondent no. 4, the Secretary, West Bengal Board of Primary Education seeking for her transfer on distance ground and surplus teacher. However, the same is still pending considering. Hence this writ petition.

4. Mr. Shuvro P. Lahiri, learned advocate appearing for the petitioner submits that the matter may be relegated to the appropriate authority for due consideration.
5. Mr. Ratul Biswas, learned advocate appearing for the Board and Ms. Sumita Sen, learned advocate appearing for the District Primary School Council, Birbhum submit that the petitioner, at the time of making application for transfer, has not completed 5 years of service as required under Rule 4 of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002.
6. It will be profitable to reproduce Rule 4(b) of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 as amended on 13th September, 2021:

“4(b) on an application from a teacher, transfer approved teacher within its jurisdiction from one Primary School to another Primary School on the condition that such approved teacher, in case of mutual transfer, is confirmed and in case of single transfer, is confirmed and has completed minimum five years of continuous service.”

7. As per Rule 4(b) as amended on 13th September, 2021 transfer can be considered on an application from a teacher from one primary school to another primary

school on condition that such approved teacher, in case of mutual transfer, is confirmed and in case of single transfer, is confirmed and has completed minimum five years of continuous service. Since the petitioner has not completed five years of continuous service on the date of submitting application for transfer as required under the Rule, hence this writ petition falls short of merit.

8. In view of the above, the writ petition being **WPA 28354 of 2024** stands dismissed.
9. However, it is left open to the petitioner to make fresh application for transfer before the authority, if so advised.
10. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
11. Consequently, connected applications, if any, stand disposed of.
12. Interim orders, if any, stand vacated.
13. There shall be no order as to costs.
14. 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.)