

09.04.2026
Sl. No.4(DL)
Ct. No.14
srm

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

W.P.A. No. 30466 of 2024

Kazi Saraban Tahura

Versus

The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty,
Ms. Susnita Saha,
Ms. Priyanka Chandra

...for the Petitioner.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

Md. Sarwar Jahan,
Sk. Nayeemul Hoque,
Ms. Tapati Sarkar

...for the DPSC, Murshidabad.

Mr. Biswabrata Basu Mallick,
Mr. Aman Arif Ansari

...for the DPSC, Uttar Dinajpur.

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities to grant inter district transfer to the petitioner from the district of Uttar Dinajpur to the district of Murshidabad upon consideration of her representation dated 23rd October, 2024.
2. The petitioner contends that she joined as an Assistant Teacher in Jagirbasti Free Primary School, under Islampur Circle, District-Uttar Dinajpur on 7th August, 2021. The petitioner's residence is about 326 kms. from her present place of posting. The petitioner has a minor daughter, who is presently living with her aged parents. The petitioner has been legally separated from her husband and they are divorced.

On 23rd October, 2024, the petitioner made a representation before the concerned authority seeking inter-district transfer on special ground, however, the same is still pending consideration. Hence, this writ petition.

3. Mr. Himadri Sikhar Chakraborty, learned Advocate for the petitioner submits that as per Rule sub-rule (3)(c) of Rule 5 of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*hereinafter referred to as the said Rules of 2002*), a female teacher facing serious problem in attending the school due to divorce or death of the husband may seek transfer. He seeks that the matter may be relegated to the appropriate authority for due consideration. He files a copy of Certificate of Divorce (Talaq-I-Tafweez) dated 26th August, 2022 issued by the Muhammadan Registrar & Kazi, Berhampore, Mursidabad which is taken on record.
4. Learned Advocates for the respondents leave the matter to the discretion of the Court.
5. In view of such submissions advanced on behalf of the respective parties, the Secretary, West Bengal Board of Primary Education is directed to consider the representation of the petitioner dated 23rd October, 2024 and dispose of the same by passing a reasoned order, in accordance with law, upon notice to the petitioner within a period of ten weeks from the date of communication of this order.

6. The reasoned order shall be communicated to the petitioner within a week from the date of passing of such order.
7. Learned advocate for the petitioner is directed to communicate this order to the Secretary, West Bengal Board of Primary Education, for necessary compliance.
8. It is made clear that this order is passed under special circumstances and shall not act as a precedent.
9. With the above direction, the writ petition being **WPA 30466 of 2024** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. 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.)