

19.02.2026
Court No. 05
Item No.08
(Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 179 OF 2026

ASHOK MAJHI
VS.
THE STATE OF WEST BENGAL & OTHERS

Mr. Jagesh Ch. Roy
.....for the petitioner

Mrs. Mousumi Bhowal
Mr. Nigam Mittal
Ms. Akshita Chhetri
...for the DPSC, Cooch Behar

Mr. Subir Kumar Saha, Ld. AGP
Mr. Bikash Singha
...for the State respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner has made an application on 9th January, 2026 seeking transfer from a primary school in Cooch Behar where petitioner is presently working to a primary school in Bankura where petitioner resides. It is stated in application that petitioner joined the post as primary teacher on 20th July 2021 and has sought for a direction upon the concerned authority to decide the transfer application.

3. State respondents and District Primary School Council, Cooch Behar are represented by learned advocates who have opposed this writ petition on the ground that period of five years is not over from date of joining of the petitioner as primary teacher. Therefore, petitioner is not entitled to get benefit of transfer.

4. On perusal of transfer application dated 9th January, 2026 it appears that petitioner joined the post of teacher in a primary school in Cooch Behar on 20th July, 2021 and application for transfer was made on 9th January, 2026. Main ground which has been shown in the transfer application dated 9th January, 2026 is distance in between present school of the petitioner and his place of residence. Additionally petitioner prayed for transfer since it was stated that his wife is suffering from gynecological disorder.

5. Issue was considered and an order was passed on 22nd April, 2025 deciding that a primary teacher not having completed five years of confirmed service is not eligible to pray for transfer from one school to another.

6. As the petitioner is a primary teacher he is not entitled to get transfer before completion of five years of approved service from the date of his joining. In

this regard, order passed by this Court in the writ petition being **WPA 7329 of 2025 (Priyanka Sarkar vs. The State of West Bengal & Ors.)** is relied upon.

7. Hence, writ petition stands dismissed.

8. However, this order shall not preclude the petitioner to apply for transfer, in accordance with law, after completing five years of confirmed service.

9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)