

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

Present:

The Hon'ble **Justice Kausik Chanda**

W.P.A. No.793 of 2026

MADHABILATA BARMAN

-VERSUS-

THE STATE OF WEST BENGAL AND OTHERS

For the petitioner : Mr. Sudip Ghosh Chowdhury, Adv.,
Mr. Soumyojit Laskar, Adv.

For the State : Ms. Supriya Singh, Adv.,
Ms. Rajni Singh Dev, Adv.

For WBCSSC : Mr. Sunit Kumar Roy, Adv.

Hearing concluded on : 30.06.2026

Judgment on : 01.07.2026

Kausik Chanda, J.:-

The petitioner is presently serving as an Assistant Teacher in a secondary school situated in the district of Birbhum. By filing the present writ petition, the petitioner seeks a direction upon the respondents to transfer her to a school situated either in the district of Alipurduar or in the district of Cooch Behar.

2. At the outset, learned counsel appearing for the State raises a preliminary objection with regard to the territorial jurisdiction of this Court to entertain the present writ petition.

3. Mr. Sudip Ghosh Chowdhury, learned advocate appearing for the petitioner, submits that this Court possesses the requisite territorial jurisdiction. According to him, the petitioner is a permanent resident of the district of Jalpaiguri and seeks her transfer to a school situated either in Cooch Behar or Alipurduar, both of which fall within the territorial jurisdiction of this Circuit Bench. It is, therefore, contended that this Court ought to entertain the writ petition. In support of such contention, reliance has been placed upon a judgment dated May 22, 2024, passed in WPA 1049 of 2024 (Doyel Paul v. The State of West Bengal & Anr.).

4. The question as to whether this Court possesses the territorial jurisdiction to entertain the present writ petition must be determined in the light of the pleadings contained therein.

5. It has been specifically pleaded that the distance between the petitioner's present residence and her current place of posting exceeds 200

kilometres. It has further been averred that the petitioner is the sole caregiver of her minor child. On such grounds, the petitioner seeks a transfer to a school situated in close proximity to her place of residence.

6. The transfer application annexed to the writ petition reveals that the petitioner expressed her preference for as many as six schools situated within the districts of Alipurduar and Cooch Behar as her proposed places of transfer.

7. It further appears from the records that, on an earlier occasion, the petitioner approached this Circuit Bench by filing WPA 355 of 2026, seeking a direction for her transfer. By an order dated March 17, 2026, a Coordinate Bench of this Court disposed of the said writ petition by, inter alia, directing the Head of the Institution to consider the petitioner's representation and, in the event the prayer was found acceptable, to take the necessary steps for forwarding her application to the concerned District Inspector of Schools (Secondary Education).

8. Pursuant to the said order dated March 17, 2026, the petitioner's representation was considered by the Teacher-in-Charge of Hetampur Raj Girls' High School, Hetampur, Dubrajpur, Birbhum, where the petitioner is presently serving.

9. By an order dated April 21, 2026, the Teacher-in-Charge rejected the petitioner's prayer for transfer.

10. A perusal of the said order indicates that the petitioner's request was rejected, inter alia, on the ground that the institution is the only girls'

school in the locality, catering predominantly to students belonging to economically disadvantaged families. It was further observed that the petitioner is the sole Physical Education Teacher in the school and that her transfer would seriously prejudice the academic interests and welfare of the students.

11. In the present writ petition, the petitioner has assailed the aforesaid order dated April 21, 2026, passed by the Teacher-in-Charge of Hetampur Raj Girls' High School, Hetampur, Dubrajpur, Birbhum.

12. The territorial jurisdiction of the Circuit Bench at Jalpaiguri is governed by the Calcutta High Court (Circuit Bench at Jalpaiguri) Rules, 2019, notified on March 6, 2019. Rules 2(c), 2(d) and 4 of the said rules read as follows:

“2. Interpretation.- In these Rules, unless the context otherwise requires:

.....

c. “circuit” means Judge(s) on movement to Jalpaiguri to preside over courts of the Circuit Bench;

d. “districts” mean the judicial districts of Cooch Behar, Darjeeling, Jalpaiguri and Kalimpong, and also includes the administrative district of Alipurduar;

.....

4. All cases originating in the districts shall ordinarily be instituted in and decided by the Circuit Bench by the relevant court(s) according to determination fixed by the Chief Justice.”

13. In my considered view, the mere fact that the petitioner is a resident of Jalpaiguri District or seeks a transfer to a school situated in Cooch

Behar or Alipurduar does not, by itself, confer territorial jurisdiction upon this Circuit Bench. The cause of action, as pleaded in the writ petition, has arisen in the district of Birbhum. The impugned rejection order has been issued from the said district. Therefore, it cannot be said that the present writ petition originates within the districts over which this Circuit Bench ordinarily exercises jurisdiction.

14. There can be no dispute that the writ jurisdiction of the High Court is traceable to Article 226(2) of the Constitution of India, which provides as follows:

"(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories."

15. However, where the High Court, in exercise of its administrative powers, has framed rules regulating the institution and hearing of cases before its Circuit Bench, such rules deserve due regard while determining whether a writ petition ought to be entertained by the Circuit Bench.

16. The principles governing territorial jurisdiction under Article 226(2) of the Constitution have been authoritatively explained by the Hon'ble Supreme Court in the case reported at **(1994) 4 SCC 711 (Oil and**

Natural Gas Commission v. Utpal Kumar Basu), wherein it was held that every fact pleaded does not constitute a part of the cause of action and that only those facts which have a nexus with the lis are relevant for determining territorial jurisdiction. The Supreme Court reiterated the said principle in the case reported at **(2007) 11 SCC 335 (*Alchemist Ltd. v. State Bank of Sikkim*)**, observing that only such facts as constitute an integral part of the cause of action can confer territorial jurisdiction upon a High Court. A similar view has also been taken in the case reported at **(2004) 6 SCC 254 (*Kusum Ingots & Alloys Ltd. v. Union of India*)**, wherein it was held that even if a small fraction of the cause of action arises within the territorial jurisdiction of a High Court, the Court may exercise jurisdiction; however, the facts relied upon must constitute a material, essential and integral part of the cause of action. Furthermore, in the case reported at **(1985) 3 SCC 217 (*State of Rajasthan v. M/s Swaika Properties*)**, the Hon'ble Supreme Court held that the mere service of a notice or the residence of the petitioner within the jurisdiction of a Court does not, by itself, furnish a part of the cause of action so as to confer territorial jurisdiction.

17. These decisions consistently hold that only material, essential and integral facts constitute a cause of action. The petitioner wanted to be transferred to Cooch Behar or Alipurduar. Mere expectation of posting in the said two districts is insufficient.

18. Applying the aforesaid principles to the facts of the present case, I am of the considered opinion that no part of the cause of action has arisen within the territorial jurisdiction of this Circuit Bench so as to warrant interference under Article 226 of the Constitution of India.

19. The judgment relied upon by the petitioner was rendered in an entirely different factual context. Moreover, the provisions of the Calcutta High Court (Circuit Bench at Jalpaiguri) Rules, 2019 were neither brought to the notice of the Court nor considered in the said decision. Consequently, the said judgment is clearly distinguishable on facts and does not advance the case of the petitioner.

20. Accordingly, **W.P.A. No.793 of 2026** is dismissed on the ground of lack of territorial jurisdiction.

21. It is, however, made clear that this order shall not preclude the petitioner from approaching the appropriate forum in accordance with law.

22. Urgent certified website copy of this judgment, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(Kausik Chanda, J.)