

12.02.2026  
Sl. No.2(DL)  
Ct. No.14  
srm

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

**W.P.A. No. 693 of 2026**

**Jiban Kumar Roy**

**Versus**

**The State of West Bengal & Ors.**

Mr. Bikram Banerjee,  
Mr. Arindam Shit

...for the Petitioner.

Mr. Nabhajit Prasad Basu,  
Mr. Ranajit Roy

...for the State.

Mr. Saibal Acharyya,  
Mr. Tanweer J. Mandal

...for the DPSC, Purba Bardhaman.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for setting aside of the order of transfer issued under Memo No.06/1(7) dated 5<sup>th</sup> January, 2026 by the Chairman, District Primary School Council, Purba Bardhaman.
3. Mr. Bikram Banerjee, learned Advocate appearing for the petitioner submits that son of the petitioner is suffering from Haemophilia which is a scheduled disease under sub-rule (3)(a) 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*), as amended on 13<sup>th</sup> September, 2021. Previously, on the ground of ill-health and disease of the son of the petitioner he was transferred to the present school on 21<sup>st</sup> December, 2021. Upon transfer of the Head Teacher there is a deficit in the present school. Moreover, the Chairman cannot unilaterally transfer a teacher from a school to another school and it is the Council to pass such order as per Rule 4 of the said Rules of 2002. To buttress his contention, he relies on the decision of the Hon'ble Division Bench of this Court passed in *Dipika Bala Biswas versus State of West Bengal & Ors. (In Re: MAT 3 of 2022)*.

4. Mr. Tanweer J. Mandal, learned Advocate appearing for the District Primary School Council, Purba Bardhaman seeks to file report in the present writ petition.
5. Let such report be filed within a period of one week; exception, if any, be filed within a week thereafter. Advance copy of such report be served upon the learned Advocate for the petitioner.
6. List this matter on **26<sup>th</sup> February, 2026** under the same heading.

**(Bivas Pattanayak, J.)**