

WPA 12432 of 2025

Susmita Chakraborty

Vs.

The State of West Bengal & ors.

Adv. Kallok Basu,
Adv. Badrul Karim,
Adv. Aritra Ghosh

...for the petitioner.

Adv. Ratul Biswas,
Adv. Kaushik Chowdhury,

...for the Council.

1. Challenging the order dated 30th May, 2025 passed by the Secretary, West Board of Primary Education in connection with an appeal filed under Section 10 of the West Bengal Primary Education (Transfer of Teachers including Head Teachers) Rules, 2002 (hereinafter referred to as the 'Said Rules'), the instant writ petition has been filed.
2. At the very outset, Mr. Bose, learned senior counsel representing the petitioner would candidly submit that due to inadvertence the Secretary, West Bengal Board of Primary Education has not been made a party. Although, he had belatedly attempted to file an application with an advance copy to the Secretary, West Bengal Board of Primary Education, such attempt did not succeed and the application could not be filed in time.
3. Mr. Ratul Biswas appears on behalf of the Council. However, since he usually appears on behalf of the

Board while directing the Secretary, West Bengal Board of Primary Education to be added as a party respondent in the present writ petition, I direct Mr. Biswas to appear on their behalf. Let his appointment in this matter be regularised.

4. *Prima facie*, it would transpire that the Chairman, District Primary School Council, Howrah had issued a notice dated 10th February, 2025 in connection with a hearing by noting the following grounds:

“OFFICE OF THE
DISTRICT PRIMARY SCHOOL COUNCIL, HOWRAH
“SIKSHA BHAWAN”
18, NITYADHAN MUKHERJEE ROAD, HOWRAH-71101

Memo No. 311

Date: 10.02.2025

From : The Chairman,
District Primary School Council,
Howrah.

NOTICE OF HEARING

It is reported by the Sub-Inspector of Schools, Bankra Circle Vide Memo no. BNK/09/2025 dated 08.01.2025 that :-

- a) Head Teacher and all other Assistant Teachers of Gramyahitakari Girls' Primary School usually attending the school in late hours but signed their attendance showing the time otherwise.
- b) The Head Teacher failed to produce any financial documents, Cash Book etc. before the concerned S.I/S. on demand.
- c) Not maintaining the Academic Register properly.
- d) Most of teachers are not using TLM which is beyond the quality education of the students.
- e) The Head Teacher failed to produce Class Roster before the concerned S.I./S on demand.

Considering the gravity of the REPORT an urgent hearing is scheduled to be held on 13.02.2025 at 12.30 PM at the office chamber of the undersigned.

All the concerned are instructed to be present before the heading as per schedule.

Sd/-
Chairman,
District Primary School Council, Howrah.
Dated : 10.02.2025

Memo No.311/(6)

Copy forwarded for information with an instruction to be present before the heading:

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6.

Chairman,
District Primary School Council, Howrah”

5. Records would reveal that subsequently on 20th March, 2025 by office order issued by the Chairman, District Primary School Council, Howrah the petitioner was transferred as Head Teacher to Mirzapur Primary School under Andul West Circle, Howrah and was directed to joint within seven days.
6. Although, the petitioner had made a representation against the said transfer order but the same was not considered. Challenging the said transfer order a writ petition was filed which was registered as WPA 6816 of 2025. By an order dated 22nd April, 2025 the writ petition was dismissed by a coordinate Bench of this Court.
7. Being aggrieved by the said order, the petitioner preferred an appeal. By an order dated 1st May, 2025 the Division Bench of this Court taking note of the fact that the transfer order in the teeth of a show cause may *prima facie* appears to be punitive, permitted the petitioner to prefer an appeal from the transfer order in terms of Rule 10 of the said Rules. Pursuant to the aforesaid, the petitioner filed an appeal and the said appeal had been disposed of by the order impugned.
8. Mr. Bose, would submit that the order has been passed in a most mechanical manner. There are no reasons.

9. Mr. Ratul Biswas appearing for the Council and for the Board, on the other hand, would submit that there is no scope to challenge the said order as the same has been passed for administrative exigencies. He would submit that at this stage no interim order should be passed.
10. Having heard the learned counsel appearing for the respective parties and noting that *prima facie* the Division Bench of this court by observing that a transfer order in the teeth of a show cause may *prima facie* appears to be punitive, had granted liberty by the petitioner to prefer the appeal and the appeal preferred by the petitioner appears to have been disposed of by the appellate authority by passing the order impugned without properly considering the petitioner's representation, and in a mechanical manner. In the light of the above, I am of the view that the petitioner has been able to make out a *prima facie* case and is entitled to an interim order.
11. List this matter before the regular Bench having determination subject to convenience of the Court.
12. The impugned transfer order shall however remain stayed till the end of June, 2025 or until further orders, whichever is earlier.

(Raja Basu Chowdhury, J)