

09.04.2026
Sl. No.22
Ct. No.14
ss

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

W.P.A. No. 20769 of 2025

**Bipasha Das
Versus
The State of West Bengal & Ors.**

Mr. Biswajit Tiwari	...for the Petitioner.
Mr. Avishek Prasad	...for the DPSC, Malda.
Mr. Arjun Roy Mukherjee Mr. Ejaz Hossain	 for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon the respondent authority to grant her intra district transfer to any school nearby her residence.
3. The petitioner contends that she joined as an Assistant Teacher in Old Malda G.S.F. Primary School, District under Old Malda Circle, P.O. Malda, District Malda on 16th March, 2010. The petitioner has been confirmed in service with effect from 16th March, 2012. The petitioner's house is situated 10 kilometers away from her present place of posting. The petitioner is suffering from 60% disablement. On 22nd November, 2024 the petitioner made a representation for her transfer before the Sub-Inspector of Schools, Malda Circle, District

Malda, respondent no.6. However, the same is still pending consideration. Hence, this writ petition.

4. Mr. Biswajit Tiwari, learned Advocate appearing on behalf of the petitioner submits that the matter may be relegated to the Chairman, District Primary School Council, Malda, respondent no.5, to consider the representation of the petitioner dated 22nd November, 2024.
5. Mr. Avishek Prasad, learned Advocate appearing on behalf of the Malda District Primary School Council submits that the petitioner as per Rule 5(3)(b) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002, one has to produce the disability certificate duly certified by the competent authority. Moreover, no document is filed showing that the representation of the petitioner has been submitted before the Chairman, District Primary School Council, Malda.
6. It is found that representation of the petitioner has been made to the council through Sub-Inspector of the school, Malda Circle.
7. The disablement certificate of the petitioner is of the year 1996.
8. In view of the above, the respondent No.5, the Chairman, District Primary School Council, Malda is directed to consider the representation of the petitioner dated 22nd November, 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, subject to production of the recent disablement certificate issued by the competent authority.

9. The reasoned order is to be communicated to the petitioner within one week from the date of passing of such order.
10. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, the Chairman, District Primary School Council, Malda alongwith a copy of the representation dated 22nd November 2024.
11. With the above direction, the writ petition being **WPA 20769 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)