

16.04.2026
Sl. No.21
Ct. No.14
ss

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

W.P.A. No. 21375 of 2025

**Sonali Das Mahapatra
Versus
The State of West Bengal & Ors.**

Mr. Samiran Giri
...for the Petitioner.
Mr. Kamal Mishra
...for the DPSC, Purba Medinipur
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to grant inter-District transfer to the petitioner from the District of Howrah to a school in the District of Purba Medinipur.
3. The petitioner contends that she joined as an Assistant Teacher in Dakshin Buxarah Primary School, under Sadar West Circle, District Howrah on 26th July, 2021. The petitioner has been confirmed in service with effect from 26th July, 2023. Previously, the petitioner prayed for her transfer through offline application dated 7th April, 2025. Since the same was not considered the petitioner filed a writ petition being WPA 7576 of 2025, which was dismissed on 28th April, 2025 on the ground

that the petitioner did not complete five years of continuous approved service, as per provision of Rule 4(b) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (hereinafter referred to as the "Rules of 2002") as amended vide notification dated 13th September, 2021. Subsequent thereto the petitioner has been detected with various gynaecological diseases and she had miscarriage on two occasions. On 12th August, 2025 the petitioner made a representation before the authority concerned for her transfer. However, the said representation is still pending consideration. Hence, this writ petition.

4. Mr. Samiran Giri, learned Advocate appearing on behalf of the petitioner submits that the petitioner has been detected with choriocarcinoma. The petitioner is presently under medical treatment. He seeks for relegating the matter before the appropriate authority for consideration of the representation of the petitioner for her transfer, in accordance with law.
5. Learned advocate appearing for the respondents leaves the matter to the discretion of the Court.
6. In view of the submissions advanced on behalf of the respective parties, the respondent No.5, the Secretary, West Bengal Board of Primary Education, is directed to consider the representation of the petitioner dated 12th August, 2025 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.

7. The respondent No.5, the Chairman, Malda District Primary School Council shall be at liberty to seek for medical examination of the petitioner before considering the representation of the petitioner, if so required.
8. The reasoned order is to be communicated to the petitioner within one week from the date of passing of such order.
9. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, the Secretary, West Bengal Board of Primary Education.
10. Although the petitioner has not yet completed five years of service as required under Rule 4(b) of the Rules of 2002 as amended, however, considering ground of self medical of the petitioner, this order is passed on the special ground and should not be treated as a precedent.
11. With the above direction, the writ petition being **WPA 21375 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.)