

11.12.2025
Item No. 29
Ct. No. 14
AN

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

WPA 27973 of 2025

**Arup Kumbhakar
vs.
State of West Bengal & ors.**

Mr. Soumik Ganguly
Mr. Pritam Chowdhury
Mr. Dilip Kumar Sadhu

... for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mandal

... for the DPSC, Purulia

Mr. Priyabrata Batabyal

... for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for cancellation and/or withdrawal of the order of transfer of the petitioner vide Memo No. 1298(585) dated 19th November, 2025.
3. The petitioner contends that he joined as an Assistant Teacher in Mudidih Primary School under Jhalda – II Circle, Purulia. Since the daughter of the petitioner is suffering from neurological disease, the petitioner approached this Court by way of a writ petition being WPA 9228 of 2022 for transfer to the nearby school. The prayer of the petitioner was turned down vide

order dated 28th August, 2023. Challenging the said order, the petitioner preferred an appeal before the Hon'ble Division Bench being MAT 1986 of 2023 and the following direction was issued:

“5. If the appellant is eligible for transfer on special reason, the same may be considered and the authority shall try to replace the appointment depending upon the nature of the ailments of his child within a reasonable time without affecting interest of the students.

6. The impugned order is modified to the aforesaid extent.”

4. Pursuant to such order passed in appeal, a Medical Board was set up and the daughter of the petitioner was medically examined and assessed by order dated 15th February, 2024, the petitioner was transferred to Amghata Primary School under Hura – II Circle on special ground. The petitioner was also posted on deputation in a nearby school in Khairiphiria J. B. School where the petitioner is presently discharging his functions as an Assistant Teacher in the primary school.
5. The petitioner challenges the order of transfer issued by the Chairman, District Primary School Council, Purulia, respondent no. 6 herein dated 19th November, 2025 on the ground that the authorities have not considered the earlier order and the ground on which the petitioner was transferred to a nearby school. Hence this writ petition.
6. Mr. Soumik Ganguly, learned advocate appearing for the petitioner submits that the authorities ought not

- to have passed an order which has caused grave injustice to the petitioner since he has to travel more than 80 kms. to reach his present place of posting. The daughter of the petitioner is suffering from neurological disease and upon medical assessment, the petitioner has been transferred to a nearby school.
7. Mr. Bhaskar Prasad Vaisya, learned advocate appearing for the DPSC, Purulia as well as Mr. Priyabrata Batabyal, learned advocate representing the State seeks to take instructions and file a report.
 8. Let such reports be filed by respondents on the returnable date.
 9. In the meantime, there shall be a stay of the order dated 19th November, 2025 issued by Chairman, District Primary School Council, Purulia as against the petitioner whose name is appearing at serial no. 152 of the said order.
 10. List the matter on **18th December, 2025** under the same heading.

(Bivas Pattanayak, J.)