

11.12.2025
Item No. 30
Ct. No. 14
AN

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

WPA 27979 of 2025

**Apurba Sarkar
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. Sankar Halder
... 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 at Aharra Primary School under Arsha – I Circle on 17th February, 2027 and thereafter was transferred to Kultanr Primary School on 27th February, 2018 under the same Circle. Since the wife of the petitioner is suffering from chronic disease, the petitioner approached this Court by way of a writ

petition being WPA 9462 of 2022 for transfer to the nearby school. The prayer of the petitioner was turned down vide order dated 5th September, 2023. Challenging the said order, the petitioner preferred an appeal before the Hon'ble Division Bench being MAT 2339 of 2023 and the following direction was issued:

“4. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge. However, in the event the medical condition of the wife requires the presence of the husband the authority concerned shall consider his application, if filed offline, in accordance with the relevant provision and on consideration of the report to be filed by CMOH with regard to the medical condition of the wife.

5. It is needless to mention that if the special conditions are satisfied, the denial of transfer of single teacher may not be sustainable.”

4. Pursuant to such order passed in appeal, a Medical Board was set up and the wife of the petitioner was medically examined and assessed and by order dated 15th February, 2024, the petitioner was transferred to Lakhanpur Primary School under Hura – II Circle on special ground. The petitioner is presently discharging his functions as an Assistant Teacher in the Lakhanpur 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 wife of the petitioner is suffering from chronic 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. Sankar Halder, 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. 115 of the said order.
10. List the matter on **18th December, 2025** under the same heading.

(Bivas Pattanayak, J.)