

Item No.43
0209.2026
Court. No. 9
(Saswata)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1897 of 2026

Bishal Roy
Vs.
The State of West Bengal & Ors.

Ms. Esha Acharya
Ms. Ipsita Saha

...for the Petitioner

Mr. Arijit Ghosh
Ms. Sanghai Chodhury

...for the State

Mr. Bikramaditya Ghosh

...for the primary board

1. Affidavit of service filed in Court today is retained with the record.

2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to process petitioner's transfer application on medical ground.

3. The petitioner was appointed as an Assistant Teacher of Gairkata T.G. Primary School under Dhupguri West Circle vide an appointment letter issued by the DPSC, Jalpagirui by a memorandum dated 6th February 2017.

4. The petitioner claims to have joined the school on 7th February 2017 and has been working thereat. The petitioner's services have since been confirmed by letter dated 23rd November 2022. The petitioner further claims that the petitioner has applied for general transfer on 7th

March 2019 through the District Primary School Council, Jalpaiguri, seeking transfer from Gaikata T.G. Primary School to Mahadev Parvati Hindi Vidyalaya under Sadar East Circle. The petitioner also claims that the place where the petitioner is imparting education is about 60 kms away from his home town and that his mother is also suffering from critical illness.

5. The petitioner contends that the said application was however not processed by the respondents and was kept pending. In the interregnum, the *utsashree* portal having been launched the petitioner has submitted an online application for transfer on 29th August 2022 seeking transfer.

6. Learned advocate appearing for the petitioner has drawn the attention of this Court to a photocopy of the print out of the screenshot of the portal which would demonstrate that the petitioner's application for transfer was lastly processed on 11th July 2022. She, however, submits that the petitioner has recently made yet another representation on 5th March 2026. Notwithstanding the aforesaid, the respondents are yet to take any decision in this regard.

7. Having heard the learned advocates appearing for the respective parties, I find that the petitioner is entitled to maintain the transfer application in terms of the West Bengal Primary Education (Transfer of Teachers including Head teachers) Rules, 2002 (hereinafter

referred to as the said Rules) as the said rules confer the right to the petitioner to be considered for transfer and the petitioner cannot be held back.

8. In view thereof, I direct the respondent no. 7 or any other person discharging the functions of the respondent no. 7 to take a decision in the matter by passing a reasoned order on expeditious basis preferably within a period of 4 weeks from date. If the petitioner is eligible, all consequences shall follow.

9. With the above direction, the writ petition is disposed of.

10. The parties are to act on the basis of the server copy of this order.

(RAJA BASU CHOWDHURY, J.)