

(2025) 10 CAL CK 1266
In the Calcutta High Court, Appellate Side
Case No : WPA 20108 Of 2025

Anirban Chakraborty

APPELLANT

Vs

State of West Bengal & Ors

RESPONDENT

Date of Decision : 31-10-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 10 CAL CK 1266

Hon'ble Judges : Aniruddha Roy, J

Bench : Single Bench

Advocate : Sarajit Sen, Tapas Singha Roy, Swapan Kumar Dutta, Nilotpal Chatterjee, Deboleena Ghosh, Debjit Mukherjee, Kaustav Bhattacharya

Final Decision : Dismissed

Judgement

Aniruddha Roy, J

Affidavit-of-service, filed in Court today, is taken on record.

1. The petitioner has been working as a Stenographer with the district judiciary. The petitioner applied for intra-district transfer on WPA 20108 OF 2025 A.R., J. August 5, 2025, Annexure-P10 at page 62 to the writ petition, before the learned District Judge of the concerned district and prayed for transfer accordingly.
2. On February 13, 2025, Annexure-P4 at page 41 to the writ petition a transfer order was issued when the petitioner was transferred from Alipore to Kakdwip.
3. Mr. Sarajit Sen, learned Advocate appearing for the petitioner prays for a direction upon the learned District Judge for consideration of the prayer of the petitioner once again.
4. Mr. Debjit Mukherjee, learned Advocate appearing for the district judiciary submits that, the petitioner has been transferred just about eight months back in February, 2025 as an administrative transfer. Mr. Mukherjee submits that, before that the petitioner was working at Alipore since around 2017. He refers to the

impugned rejection made by the Registrar (Judicial Service) dated May 16, 2025 and submits that, since the petitioner has not satisfied the relevant provisions and in view of the observation made in the official letter dated April 16, 2025, his prayer has been rejected. He submits that, the said confidential document of the judicial department shows the necessary work performance of the candidates.

5. Mr. Swapan Kumar Dutta, learned Senior Advocate and learned Government Pleader appears for the State with Mr. Nilotpal Chatterjee, learned State Advocate.

6. After considering the rival submissions of the parties and upon perusal of the materials on record, it appears to this Court that, only in February, 2025 the petitioner has been transferred from Alipore to Kakdwip where he has been working. The grounds shown in support of his claim for transfer are very common and general. Transfer being an integral condition and consequential to the public service cannot be resisted on such grounds. Transfer is an incidental to the service. Transfer on the administrative side of the employer is the discretion of the employer and unless a specific case is made out with regard to malicious exercise of power or arbitrary exercise of power in this regard, this Constitutional Court in exercise of its authority under Article 226 of the Constitution of India shall not interfere with the same.

7. The other plea of the petitioner is that, the candidates at serial nos. 10 and 11 from the list of transfer at page 41 were subsequently re-transferred, which cannot be a plea for transfer, when the transfer is on an administrative ground. It is also on record that, the petitioner has not challenged their transfer.

8. Administrative exigency depends wholly on the discretion of the employer for transfer of the employee.

9. On a query being raised by this Court, learned Advocate for the district judiciary has submitted that, normally the tenure of transfer remains for around three years.

10. After considering the records it appears that, even through the petitioner claims transfer within the district but once the transfer has been effected just around seven months back, this Court finds that, the prayer for transfer made by the petitioner cannot be entertained and considered at this stage, on whatever ground.

11. Accordingly this writ petition, WPA 20108 of 2025 stands dismissed, without any order as to costs.