
(2025) 10 CAL CK 1233
In the Calcutta High Court, Appellate Side
Case No : WPA 22216 Of 2025

Ankita Bishal

APPELLANT

Vs

State of West Bengal & Ors

RESPONDENT

Date of Decision : 03-10-2025

Acts Referred:

West Bengal Primary Education Rules, 2002 — Rule 5, 6

Citation : (2025) 10 CAL CK 1233

Hon'ble Judges : Biswaroop Chowdhury, J

Bench : Single Bench

Advocate : Ekramul Bari, Siddhartha Sarkar, Sk. Imtiaz Uddin, Dwari Kanta Mukherjee, Ratul Biswas, Kaushik Chowdhury, Arindam Chattopadhyay, Soumik Dey

Final Decision : Disposed Of

Judgement

Biswaroop Chowdhury, J

1. Learned advocate for the petitioner and the learned advocates for the respondent nos. 4,5, 9 and 10 are present.
2. Copy of the writ application be served upon the respondent nos. 9 and 10.
3. Heard the learned advocates for the parties.
4. Learned advocate for the petitioner submits that the respondent no. 5 has passed the impugned order of transfer which is without jurisdiction. Learned advocate for the petitioner refers to Rule 6 of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 and submits that candidate on transfer cannot apply for transfer again within five years from the date of transfer, thus the same Rule is also applicable in case of authority. Learned advocate further draws the attention to the representations made by the writ petitioner against the school administration and submits that he is victimized as different objection were made by him against the school authority.

5. Mr. Chatterjee, learned advocate representing respondent nos. 4 and 5 submits that the order of transfer is an administrative order and in the public interest when there is a dearth of teacher in the school, to which petitioner is transferred. It is well within the jurisdiction of the Chairman to pass such administrative order.

6. Learned advocate for the respondent nos. 9, 10 and respondent no. 1 also adopts the submission of Mr. Chatterjee. Thus, considering the application and upon hearing the learned advocates and considering past history of illness of the petitioner for which the writ petitioner was earlier transferred and the provision contained in Rule 5 which provides the transfer on the ground of illness of a teacher, the writ application should be entertained and should be decided on affidavits.

7. Considering the facts of the case, the respondents are granted opportunity to file affidavit-in-opposition within three weeks after vacation and affidavit-in-reply, if any, be filed within one week thereafter.

8. The necessary report and record should be submitted before this Court when the matter will appear on 27th October, 2025. As at present, there is vacation in the school, it will not be prejudicial to the school Authority if an interim order of stay is passed till 29th October, 2025.

9. Thus, the order dated 21st August, 2025 marked P-9 to the writ application shall remain stayed till 29th October, 2025 with liberty to apply for extension, if the circumstances so required.

10. Let this matter appear on 27th October, 2025.