S/L 40
07.10.2026
Court No.04
B.K.N

M.A.T. 1367 of 2026
With
CAN 1 of 2026

Asia Khatun
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain,
Ms. Babita Pramanik
... for the Appellant.

Ms. Amrita Pandey,
Ms. Ayushi Mishra
... for the State.

Mr. Md. Sarwar Jahan,
Ms. Mousumi Mitra
... for the Respondent No. 6.

Mr. Shamim Ul Bari,
Mr. Md. Hadiur Rahaman,
Ms. Shrabani Paul,
Ms Asmita Mitra
... for the Respondent No. 12.

1. Affidavit of service filed in Court today is taken on record.
2. Heard the learned advocate for the writ petitioner/appellant.
3. The writ petitioner was serving as a Sishu Siksha Sahayika under a scheme for providing education at the local village level where the formal regular school education is not available.
4. It is his submission that the petitioner's original engagement was subject to be fulfilling an essential qualification of residing in the same village; at a walkable distance from Sishu Siksha Kendra. This engagement, on such terms which was being renewed from year to year. He submits that the petitioner, therefore, could not be

asked to join at a place beyond walkable distance from his residence and, therefore, his transfer from Shilogram Sishu Siksha Kendra to Surfulla Sishu Siksha Kendra which is much beyond the walkable distance and in fact in a different Kendra, is unsustainable.

5. He has also relied upon a notification issued on 18.12.2019 to submit that the control of the Paschim Banga Rajya Sishu Siksha Mission (for short 'PBRSSM') was transferred to the Department of School Education. He, therefore, submits that the transfer at the instance of the Executive Officer, Rampurhat-II Panchayat Samiti, Margram, Birbhum is without jurisdiction.
6. Another submission is made that the transfer was arbitrary and for accommodating the private respondent in the writ petitioner's place.
7. We have considered the submissions advanced on behalf of the writ petitioner/appellant.
8. The first submission regarding the requirement of posting of a Sishu Siksha Sahayika within walkable distance of the centre is unsustainable in view of the notification dated 18.12.2019, referred to by the petitioner. The same was issued much after the petitioner's engagement. The petitioner and all others who were desirous of continuing as Sishu Siksha Sahayak/Sahayikas were required to submit a consent form for the new terms and conditions introduced after control of the Paschim Banga Rajya Sishu Siksha Mission (for short 'PBRSSM') was transferred from Panchayat

department to the school education department. There is no material on record to even suggest that after issuance of notification dated 18.12.2019 such requirement of appointment of Sahayika residing at a walkable distance from the Kendra continued.

9. The second submission regarding the order being issued by an incompetent authority also, in our opinion, does not hold any water. The transfer order by which the petitioner was transferred at the very outset states that it is as per order of the Mission Director, PBRSSM.

10. From a plain reading of the notification dated 18.12.2019 we find that there is no stipulation in the notification that the control of the Director PBRSSM was in any way divested. The notification contemplates that control of the PBRSSM was vested in the School Education Department, from the Panchayat Department. Therefore, there is no material to sustain a submission regarding the order being without jurisdiction. Such submission also, in our opinion, does not merit any consideration.

11. Insofar as the third submission regarding the transfer being arbitrary or to accommodate someone else, we are not inclined to enter into such issue in exercise of jurisdiction under Article 226 of the Constitution of India to sit in appeal over the decision of an authority to transfer a person who was engaged for rendering education to local village children under a beneficial scheme, that also at the instance of a person who did not join the transferred place.

12. Consideration by the Hon'ble Single Judge requires no interference in the present Intra Court Appeal.
13. The appeal is dismissed.
14. Pending application, if any, is also dismissed.
15. At this juncture the learned advocate for the appellant submits that the petitioner be permitted to join the transferred place of posting and that upon such joining the petitioner should be paid the honorarium and arrears.
16. Such submission cannot be considered by this Court in the present proceeding since there is no material for this Court to arrive at a conclusion that the petitioner has been discharging work during the interregnum.
17. We leave it for the petitioner to avail her remedy before the appropriate authority in this regard. Needless to say, that while doing so, the authority will consider the claim in accordance with law.
18. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)