

30.08.2024
Sl No.9
Court No.29
(gc)

CPAN 978 of 2024
In
MAT 1896 of 2023

Tanushree Rooj @ Tanushree Banerjee
Vs.
Sridhar Pramanik,
District Inspector of Schools (S.E.),
Purba Bardhaman Sikshabhavan

Mr. S.P. Lahiri

...for the Petitioner.

Mr. Gourav Das

...for the Alleged Contemnor

1. The affidavit of compliance is taken on record.
2. However, it appears that the District Inspector of Schools (S.E.), Purba Bardhaman has overlooked the fact that we have taken into consideration that Utsashree Portal was non-functional and we directed the District Inspector of Schools to decide the matter ignoring the fact that the online Utsashree Portal for general transfer is suspended. In fact, when the petitioner applied for general transfer, the Utsashree Portal was suspended.
3. At the time when the application for general transfer was made, the Utsashree Portal was functional. However, subsequently it became non-functional for which the application of the petitioner could not be processed.
4. In view of our order by which we have set aside the order of the learned Single Judge, where the non-

functionality of the Utsashree Portal was the ground for which the application for general transfer was not allowed with the observation that as and when it would be open, the writ petitioner would be entitled for consideration, the observation of the learned Single Judge to the aforesaid effect was not approved and, accordingly, it was incumbent upon the authority concerned to consider the general transfer notwithstanding the subsequent non-functionality of the Utsashree Portal.

5. In view thereof, the direction that the application could not be considered for general transfer due to temporary suspension of the online Utsashree Portal appears to be in conflict with the order passed by the learned Single Judge as well as by this Division Bench. In view of the fact that 10% rule would not be applicable in respect of the applicant/petitioner, the District Inspector of Schools (S.E) shall take immediate steps to forward the application to the School Service Commission and also to take consequential steps and complete entire process within a period of eight weeks from this date.
6. The contempt application, accordingly, stands disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)