

10.04.2025
Court No. 18
Item No. 09
(Suvendu)

WPA 6630 of 2025

Nitya Gopal Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Ms. Indrani Roy
.....for the petitioner

Ms. Sharmila Datta Das
Mr. Hare Krishna Halder
....for the State

Mr. Sourav Mitra
....for the WBCSSC

Affidavit of service filed on behalf of the
petitioner is taken on record.

Petitioner is Headmaster of a Government
aided recognized school who applied for transfer
on 3rd February, 2022 on Utshasree portal. It is
submitted by learned advocate representing the
petitioner that on 3rd February, 2022 school
authority where petitioner is presently working
forwarded the transfer application to the
concerned District Inspector of Schools (SE) for
taking steps. It is also submitted on behalf of
the petitioner that after forwarding transfer
application by the school authority to the
concerned District Inspector of Schools till date
no steps have been taken.

State respondents and West Bengal Central School Service Commission are represented by learned advocates.

From the communication of the District Inspector of Schools (SE), Nadia dated 3rd April, 2025 which is placed before this Court by learned advocate representing State respondents a different picture appears. It is submitted on behalf of the District Inspector of Schools (SE), Nadia that on 8th February, 2022 transfer application of the petitioner was forwarded through portal to the West Bengal Central School Service Commission for taking decision. It is recorded in the communication dated 3rd April, 2025 that decision could not be taken due to suspension of portal. Said communication dated 3rd April, 2025 is taken on record.

It has been submitted on behalf of the Commission that if direction is given upon the appropriate authority, transfer application of the petitioner shall be decided in accordance with law.

Statutory right of a teacher seeking transfer cannot be denied on the ground of suspension of Utshasree portal and issue is no more *res integra* in view of the decisions taken

by the Hon'ble Division Bench and this Court in similar other matters.

Hence, Chairman of West Bengal Central School Service Commission being respondent no. 4 is directed to decide transfer application of the petitioner by six weeks from the date of communication of this order and decision to be taken by the respondent no. 4 shall be communicated to the petitioner by ten days thereafter.

However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)