

14 16.04.2025
rkd Ct.18

W.P.A. 7424 of 2025

Mithu Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Debalina Chakraborty,
Ms. Pritha Biswas

....for the petitioner.

Mr. Sulagna Bhattacharya,
Mr. Santanu Sett

....for the State.

Ms. Koyeli Bhattacharyya,
Ms. Keya Panja

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

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

Petitioner made an application on general
ground (distance) on 22nd August, 2022 on Utsashree
portal but same was rejected on the ground that
petitioner obtained lower rank in the schools opted by
her in transfer application.

The learned advocate representing the
petitioner prays for direction upon the respondents
granting opportunity afresh for reconsideration of her
transfer application.

In addition thereto, reliance is placed on the
order of the Hon'ble Division Bench dated 8th April,
2025 passed on an intra Court appeal being *MAT 471*
of 2025 (Rupam Biswas v. State of West Bengal & Ors.).

Respondents are represented by learned advocates and it is submitted by West Bengal Central School Service Commission that transfer application of the petitioner could not be considered since petitioner obtained lower rank than other candidates as a result whereof petitioner did not come within the zone of consideration.

In terms of the ratio decided in *Rupam Biswas* (supra), leave is granted to the petitioner to file an application for transfer in prescribed proforma before the school authority where petitioner is presently working within fortnight from the date of communication of this order.

If such application is made in the aforesaid time, the school authority of Auldanga Amulyadhan Roy Vidyapith High School, North 24 Parganas being respondent no.6 shall forward the same to the concerned District Inspector of Schools (SE), North 24 Parganas being respondent no.5 by fortnight thereafter.

On receipt of same, respondent no.5 shall forward the same upon processing the transfer application of the petitioner by fortnight thereafter to the Chairman, West Bengal Central School Service Commission being respondent no.4.

On receipt of transfer application, respondent

no.4 shall decide the same in accordance with law by six weeks thereafter.

The decision to be taken by the respondent no.4 shall be communicated to the petitioner by ten days thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

The writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)