

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25067 of 2025

Ritwika Chowdhury
-versus
The State of West Bengal & Ors.

Mr. Ujjal Ray
...For the petitioner

Ms. Jyotsna Roy Mukherjee
Mr. Bikramjit Mandal
... For the State

Mr. Kanak Kiran Bandyopadhyay
... For the WBCSSC

1. Affidavit of service filed in Court is taken on record.

2. The petitioner seeks transfer on self-medical ground. His application seeking transfer stood rejected on the ground of suspension of Utsashree portal by the District Inspector of Schools (Secondary Education), Nadia.

3. Learned advocate for the petitioner relies on the judgment delivered by the Hon'ble Division Bench of this Court on 5th December, 2024 in MAT 1706 of 2024 with CAN 2 of 2024 (Mithun Roy v. The State of West Bengal & Ors.) wherein the Court was of the opinion that a teacher is entitled to seek for transfer and such right emanates from the statutory provisions. It is obligatory on the part of the authorities concerned to take a conscious decision thereupon. Mere suspension of the facilities cannot *ipso facto* repeal the statutory provision nor can curtail such statutory right. Even if

the portal is suspended, there is no difficulty on the part of the authority to take printout of the application and process the same manually in terms of the statute.

4. In the instant case, the transfer application of the petitioner was rejected only on the ground of suspension of the Utsashree portal and the petitioner not being able to submit application online.

5. The same cannot be held to be a valid ground in terms of the judgment delivered by the Hon'ble Division Bench in the matter of Mithun Roy (supra).

6. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Nadia to take a decision on the application for transfer made by the petitioner offline in the prescribed format.

7. The aforesaid respondent shall consider the case of the petitioner on the hardcopy of the documents available in the records of the District Inspector of Schools.

8. A decision shall be taken by the authority at the earliest, but positively within a period of eight weeks from the date of communication of this order.

9. The fate of the application shall be made known to the petitioner.

10. If the application of the petitioner is allowed, then necessary consequential steps shall be taken by the authority without any further delay.

11. The writ petition stands disposed of.

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

13. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)