

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24801 of 2025

Arnab Banerjee
-versus
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Ankan Mondal
...For the petitioner

Ms. Dipa Bhattacharya
... 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. His application for transfer is pending before the school authority. The District Inspector of Schools rejected the prayer for transfer on the ground that there is no scope for processing the transfer application offline as the Utsashree portal is suspended.

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 head of the institution to consider the said application and if the prayer of the petitioner is allowed then take necessary steps to forward the application of the petitioner to the District Inspector of Schools in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order.

7. The District Inspector of Schools (Secondary Education), Nadia shall take a decision on the application for transfer made by the petitioner after taking into consideration the 'no objection' given by the school.

8. 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.

9. A decision shall be taken by the DI at the earliest, but positively within a period of eight weeks from the date of receiving the documents from the school.

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

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

12. The writ petition stands disposed of.

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

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

(Amrita Sinha, J.)