

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25893 of 2025

Shibbendu Sarkar
-versus
The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharya
Mr. Shubhankar Chandra Roy
...For the petitioner

Mr. Sunit Kumar Roy
... For the WBCSSC

Mr. Nara Narayan Ganguly
Mr. Priyabrata Ghosh
... For the State

1. The petitioner's application seeking transfer made in the prescribed format was forwarded by the school to the District Inspector of Schools (Secondary Education), Nadia. The same has not been considered on the ground of suspension of the Utsashree portal.

2. 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.

3. In the instant case, the transfer application of the petitioner is pending disposal only on the ground of suspension of the Utsashree portal.

4. 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).

5. 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 after taking into consideration the 'no objection' given by the school.

6. 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.

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

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

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

10. The writ petition stands disposed of.

11. The instruction forwarded by the District Inspector of Schools (Secondary Education), Nadia dated 19th November, 2015 be retained with the records.

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.)