

Item no.14
14.08.2025
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1617 of 2025

**Shabnam Siddiki
-versus
The State of West Bengal & Ors.**

Mr. Debarshi Dhar
Ms. Taniya Bhowmik

...For the Petitioner

Ms. Bedashruti Bose
Mr. Pradip Sarkar

...For the State

Ms. Mousumi Bhowal

...For the respondent nos. 5 and 6 / DPSC

1. Affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the respondent no.6 to dispose of the petitioner's transfer application which at present is pending with the respondent no.6.
3. The petitioner was appointed as an Assistant teacher at Dhamerdanga Junior Basic Primary school under Mathabhanga III Circle of Cooch Behar
4. The petitioner seeks for transfer as according to her the school where the petitioner is imparting education is about 57 kms away from her residence. She is a mother to a four year old child and has a medical condition.

5. Having heard the learned advocates appearing for the respective parties and noting from the submissions of the parties that the online portal '*Utsashree*' has remained suspended, I am of the view that without going into the issue as to whether the petitioner's case warrants for transfer, petitioner's representation for being considered for transfer in terms of West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as the "said Rules") cannot be denied simple because the portal has remained suspended. Since, the said Rules confer a right to the petitioner to be considered for transfer, the petitioner's application for transfer cannot be kept pending, the petitioner has a right to know the outcome of her representation.
6. Further since, the online portal has been suspended, there cannot be any embargo on the part of the respondent no. 6 to accept / consider the petitioner's application for transfer in offline mode. In view thereof, I direct the respondent no. 6 to consider the petitioner's application for transfer on medical ground in terms of the said Rules and for the said purpose, the respondent no. 6 shall seek a report from the concerned

Chief Medical officer and if, the petitioner is found eligible to make available list of vacancies to the petitioner and to take a decision thereon by passing a reasoned order.

7. With the above observations and directions the writ petition is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the necessary formalities.

(Raja Basu Chowdhury, J.)