

Item no.19
14.08.2025
sb
Ct.2

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

WPA 1623 of 2025

**Aiub Mia
-versus
The State of West Bengal & Ors.**

Mr. Debarshi Dhar
Ms. Taniya Bhowmik

...For the Petitioner

Mr. Nabankur Paul
Mr. Sourav 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 of Tista Payesti S/P Primary School under Haldibari circle at Cooch Behar.
4. The petitioner seeks for transfer as according to him the school where the petitioner is imparting education is about 130 kms away from his residence.
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 transfer, the petitioner's representation for being considered for transfer in terms of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (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.

6. Further since, the online portal has been suspended, there cannot be any embargo on the part of the respondent no. 6 to consider the petitioner's application for transfer offline. In view thereof, I direct the respondent no. 6 to consider the petitioner's application for transfer 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.)