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2026

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NANDY

(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/3040/2026

PRADIP MANDAL

Vs.

THE STATE OF WEST BENGAL & ORS.

Mr. Shuvro Prokash Lahiri, Advocate

.....for the Petitioner

Dr. Sutanu Kumar Patra, Advocate

Mr. Sunit Kumar Roy, Advocate

Ms. Susmita Mondal, Advocate

.....for the WBCSSC

Mr. Tushar Sinha Mahapatra, Advocate

Ms. Sucheta Banerjee, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, the School Authority is not represented.
3. The petitioner is an Assistant Teacher in Geography in a School, had applied for transfer on the general ground of distance.
4. The said transfer has been pending before the concerned District Inspector of Schools (DI). The concerned DI, by his communication of 02.01.2026, has rejected this application of the petitioner, which was made in the offline mode on 25.08.2025.
5. The ostensible reason of rejection by the concerned D.I., is that there is no provision to allow offline transfer applications as per existing Rules.
6. This finding of the concerned D.I. is contrary to the dictum of this Hon'ble Court in **MAT/1706/2024** (*Mithun Roy Vs. The State of West Bengal & Ors.*), where it has been clearly held that suspension of the online portal does not, *ipso facto*, suspend the rights conferred by a statutory provision. Therefore, the entitlement to seek transfer by making an application cannot be undermined nor be taken away. In fact, this Court has permitted the applications to be made in the offline mode due to temporary suspension of the online portal (Utsashree).
7. Dr. Patra, learned Advocate, appearing for the

Commission, has also raised the issue regarding Notification No. 1815-SE/S/10M-45/2022 dated 29.12.2025, where all transfers by online process have been kept on hold, except for mutual transfers.

8. The application of the petitioner, made in August 2025, is prior to the afore-stated notification of 29.12.2025, and is clearly beyond the purview of such notification.
9. Needless to mention, the notification is merely a step to consolidate the provisions contained in Rule 6(4b) of the notification dated 08.09.2021, bearing no. 707-SC/S/IS-04/95 (Pt), and not in derogation thereof.
10. In view of the afore-stated decision of this Hon'ble Court in Mithun Roy (supra), the rejection of the petitioner's transfer by the concerned D.I., on 02.01.2026, is set aside.
11. The concerned D.I., will consider the application of the petitioner afresh by 30.04.2026 and if otherwise found to be eligible, the application of the petitioner will be forwarded to the Commission by 15.05.2026.
12. The Commission will consider the issue of recommendation of the petitioner to the School of his choice, provided they are available and have not been notified for any selection process, at the relevant time.
13. In view of the afore-stated directions, **WPA/3040/2026** is **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)

