

06.05.2026
Ct. No.24
Sl. No 21
sdas

W. P. A. 3611 of 2024

Sushil Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Pritha Biswas
Ms. Upasana Sarkar
... .. for the petitioner

Mr. Raja Ram Banerjee
... .. for the State

Mr. Kanak Kiran Bandyopadhyay
... .. for the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Datta
..... for the WBBSE

1. Affidavit-of-service filed in Court today is taken on record.
2. In spite of service, none appears on behalf of the school authority.
3. The petitioner's grievance is that he cannot apply in the offline mode and even if he did, the same would not be considered. There is no dispute on the issue that once a right has been given under the statute, the same cannot be kept suspended on a mere technical irregularity such as suspension of portal. The petitioner is not debarred from making an application in the offline mode, particularly in view of the judgment of this Hon'ble Court in MAT 1706 of 2024 (Mithun Roy vs. State of West Bengal & Ors.). Mere suspension of the facilities or inability to access the online portal by an incumbent cannot *ipso facto* curtail his right which has been guaranteed by the statute.

4. The petitioner is granted liberty to make such an application in the prescribed format in the Offline mode by June 15, 2026 since the '*UTSASHREE*' portal is presently suspended. The said application shall be considered by the school authority, after conducting the necessary verification by the concerned BMOH, if found eligible, will forward such application along with the requisite declaration and '*No Objection*' certificate to the concerned District Inspector of Schools (SE) by June 30, 2026.

5. With the afore-stated directions, the writ petition is disposed of.

6. There shall be no order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)