

WPA 3951 of 2026

Sandip Kumar Hajra
Vs.
The State of West Bengal & Ors.

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

Mr. Subrata Das Gupta
..... for the State

Mr. Sourav Mitra
.... for the WBSSC

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. In spite of service, none appears on behalf of the school authorities.
3. The petitioner's application for transfer on the ground of gynecological diseases of his spouse has been rejected on November 23, 2022, by the concerned District Inspector of Schools on account of "suspension of Utsashree Portal for a long period." The issue is no longer *res integra* in view of the conclusive decisions of the Hon'ble Division Bench of this Hon'ble Court in MAT 1706 of 2024 (Mithun Roy vs. State of West Bengal & Ors.) and MAT 339 of 2024 (Aparna Biswas vs. State of West Bengal & Ors.).

4. Both the Hon'ble Division Benches held that procedural law cannot be permitted to defeat a substantive right of a person as the procedure is meant to assist and aid the object of the statute and not to defeat the rights conferred by such statute.
5. Further amendment by the Notification No. 1123-SE/S/IS-04/95 dated December 21, 2021 is clear and unequivocal that the online application for transfer would not be an impediment for an application made on medical ground.
6. In view of the aforestated facts, the order of rejection by the concerned D.I. cannot be sustained and is hereby set aside.
7. Respondent no. 4 will revisit the issue regarding transfer of the petitioner.
8. Petitioner will be at liberty to produce all documents in support of his application to the concerned D.I., respondent no. 4 herein, by April 30, 2026.
9. Concerned D.I. will consider such documents as aforestated, revisit the issue and if otherwise eligible, will forward the application of the petitioner to the Commission by May, 31, 2026.
10. With the aforestated directions, the writ petition is, thus, disposed of.
11. There shall, however, be no order as to costs.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)