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NANDY
(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/6191/2026

Dipanwita Basak
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury, Advocate
Ms. Pritha Biswas, Advocate
Ms. Upasana Sarkar, Advocate

..... for the Petitioner

Mr. Saurav Mitra, Advocate

.....for the WBCSSC

Mr. Kunal Ganguly, Advocate

.....for the WBBSE

1. The affidavit of service as filed today is taken on record.
2. In spite of service, the School Authority is not represented.
3. The petitioner's application for transfer on the general ground has been rejected on September 29, 2022, by the School Authority 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/1706/2024 (*Mithun Roy vs. State of West Bengal & Ors.*) and MAT/339/2024 (*Apurba 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. In view of the afore-stated facts, the order of rejection by the School Authority cannot be sustained and is hereby set aside.
6. Respondent no. 6, the Head of the Institution, will

- revisit the issue regarding transfer of the petitioner.
7. Petitioner will be at liberty to produce all documents in support of his application to the School Authority, respondent no. 6 herein, by June 30, 2026.
 8. The school authority will consider such documents as afore-stated, revisit the issue and if otherwise eligible, will forward the application of the petitioner to the concerned District Inspector of Schools (SE) by July 31, 2026.
 9. With the afore-stated directions, the writ petition is **disposed of**. There shall, however, be no order as to costs.
 10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)