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

WPA/8774/2024

UJJWAL KUMAR DAS
VS
THE STATE OF WEST BENGAL & ORS.

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

.....for the Petitioner

Ms. Koyeli Bhattacharya, Advocate
Mr. Bibek Dutta, Advocate
Mr. Manas Bhattacharyya, Advocate

.....for the WBBSE

Mr. Samrat Mukherjee, Advocate
Ms. Mary Datta, Advocate
Ms. Pramita Banerjee, Advocate

.....for the State

1. The affidavit of service filed today is taken on record.
2. In spite of service, none appears on behalf of the school authorities.
3. The petitioner's grievance that her application for transfer on distance is pending consideration in the light of the willing teacher before the respondent no. 4, the District Inspector of Schools (SE) on the ground that there is no other willing teacher available to take the post of the petitioner.
4. The notification bearing no. 09-S.E./SE/S/1S-0495(pt.III) dated January 3, 2022 is clear that there is no question of availability of willing teacher to effect transfer of a person as clarified in the judgment of this Hon'ble Court in FMA 995 of 2025 (***Rupak Dua vs. The State of West Bengal***).
5. As it now appears, the school authorities by its communication dated 09.03.2022 had informed the concerned D.I. that they had made an alternative arrangement in Geography for the H.S. Section. However, the said arrangement was made sometime in 2022 and may or may not be prevalent at present.

6. In view thereof, the respondent no. 4 is directed to ensure that a local arrangement is made in respect of the said School in the subject Geography and thereafter ensure that the application of the petitioner is dealt with in consonance with the prevailing notification as afore-stated as well as in consonance with Rupak Dua (supra).
7. The respondent no. 4 will dispose of the same by July 15, 2026 and forward the same to the Commission by July 30, 2026.
8. The suspension of 'Utsashree Portal' will not be an impediment for the concerned authorities to consider the application for transfer of the petitioner. The same shall be considered in an offline mode.
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.)