

13.05.2026

WPA 8387 of 2026

**Stuti Das
Vs.
The State of West Bengal & Ors.**

Mr. S.P. Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

... .. for petitioner

Mr. Sourav Mitra
Mr. Sunit Kumar Ray

... .. for the SSC

1. The affidavit of service filed today is taken on record.
2. In spite of service, none appears for the school authorities.
3. The petitioner's application for transfer on the ground of self medical had been rejected by the concerned D.I. sometime in 2022. The ostensible ground for rejection was temporary suspension of the 'Utsashree Portal'.
4. The proposition of law is clear and unequivocal that once the Statute confers a right on an incumbent to seek transfer, the same cannot be curtailed due to a technical snag.
5. In the present case, the suspension of the 'Utsashree Portal', an Online device to facilitate the process for application for transfer.

6. The suspension of the portal does not ipso facto suspend the rights conferred by a Statute and the same cannot be curtailed in any manner.
7. The fundamental distinction between means and facilities provided by the authorities to exercise a right conferred by the Statute and the Rules in any manner in which such right is to be exercised cannot be merged.
8. The Hon'ble Division Bench of this Court has no answer to in MAT 1706 of 2024 (Mithun Roy Vs. State of West Bengal & Others) has clearly held that suspension of the portal cannot be a ground to reject an incumbent's prayer seeking transfer. Though the transfer is not a matter of right, the right conferred by the Statute is that a person has a right to ask for it.
9. In view of the aforesaid decision in Mithun Roy (supra), the decision of the concerned D.I. cannot be sustained.
10. However, as it appears from the record, the application was rejected sometime in the year 2022.
11. It is possible that the surrounding facts and circumstances are likely to have changed over a period of four years.
12. In the circumstances, the petitioner is granted liberty to make a fresh application in the prescribed format to the school authorities.

13. The suspension of the 'Utsashree Portal' will not be an impediment to the petitioner making an Offline application, which shall be considered by the school and the other authorities in the Offline mode.
14. The school authority will take a decision on the application of the petitioner and if found to be otherwise eligible, the petitioner's application will be forwarded to the concerned D.I. by June 30, 2026.
15. The concerned D.I. will take necessary steps for expeditious onward progression of such application.
16. With these aforesaid directions, the writ petition is disposed of.
17. There shall, however, be no order as to costs.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)