

06.05.2026

Item no.DL 66
Court No. 24

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 26700 of 2025

In the matter of :

PROMA DASGUPTA

... Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioner :

Mr. Sudip Ghosh Chowdhury

Ms. Pritha Biswas

Ms. Upasana Sarkar

... Advocates

For the Respondent / WBBSE :

Mr. Kunal Ganguly

... Advocate

For the Respondent / SSC :

Mr. Sourav Mitra

... Advocate

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 has been rejected on April 7, 2025, 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 (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. 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. 5 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. 5 herein, by June 15, 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 June 30, 2026.

10. With the aforestated directions, the instant writ petition stands disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Reetobroto Kumar Mitra, J.)