S/L 35
10.11.2026
Court No.3
Vacation Bench
B.K.N

W.P.A. 31623 of 2026

Biplab Swarnakar
Vs.
The State of West Bengal & Ors.

Mr. Rabindra Kumar Pathak
... for the Petitioner.

Mr. Dibashis Basu, Ld. AGP,
Mr. Sovan Mukherjee,
Mr. Chandrachur Lahiri
... for the State/Respondent No. 1 & 2.

Mr. Avishek Prasad,
Ms. Shreyasi Manna
... for the D.P.S.C, Malda.

1. Affidavit of service filed on behalf of the petitioner today is taken on record.
2. The petitioner is an Assistant Teacher at Chhabi Pandit Tola, Primary School, Malda since 2021. The petitioner claims to be residing about 52 kilometers away from the said school. He claims that travelling such a long distance is causing immense mental and physical distress. He also claims to be suffering from various ailments. He further submits that he has an aged father who requires medical attention. He also claims to have an elder brother who is handicapped and is entirely dependent on the petitioner.
3. It is submitted on behalf of the petitioner that the petitioner's wife has suffered three miscarriages in the past, she is currently pregnant once again and is suffering from various gynecological complications. Under such circumstances, he filed an application before the Malda District Primary School Council on 8th

September, 2026 requesting for a transfer to a school close to his residence.

4. The primary grievance in this writ petition is that such application has not yet been considered till date.

5. Learned advocate representing the respondent nos. 1, 2, 6 and 7 submits that such application ought to have been filed through an online portal “UTSASHREE”. Since the same has not been done, the application has not been considered.

6. In reply, the learned advocate representing the petitioner submits that such online portal was not working at the time when he made the aforesaid application. The learned advocate representing the respondent nos. 1, 2, 6 and 7 does not dispute the same.

7. The learned advocate representing the respondent nos. 3, 4 and 5 assures this Court that the aforesaid application dated 8th September, 2026 will be considered by the respondent no. 4.

8. In view of the materials on record as well as the aforesaid submissions made by the learned advocates representing the parties, this writ petition is disposed of by directing the respondent no. 4 to consider the aforesaid application dated 8th September, 2026 filed by the petitioner by 19th November, 2026 in accordance with law. Needless to say that the decision taken by the respondent no. 4 must be communicated to the petitioner forthwith.

9. It is made clear that this order will not act as a precedent permitting others to file transfer applications in a physical form.
10. In view of the foregoing, the writ petition stands disposed of.
11. There will be no order as to costs.
12. Since no affidavits has been called for, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.
13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
14. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of the necessary formalities.

(Rishad Medora, J.)