

25.03.2026

Ct. No. 5
Sl. No.41
as

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 472 of 2026

Mamoni Parvin
-Vs-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Soumyajit Laskar
... ... for the petitioner

Mr. Sunit Kumar Roy
... for the SSC

Mr. Subir Kr. Saha, Ld. AGP,
Mr. Sumit Kumar.
... ... for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition seeking quashing of the rejection order issued by the District Inspector of Schools dated 27.11.2022 in respect of the transfer application of the petitioner dated 15.11.2022 in the Utsashree Portal.
3. Learned Advocate for the petitioner states that the said application has been rejected only on the ground that the Utsashree Portal is under temporary suspension. He states that the order of the District Inspector of Schools is illegal since the Division Bench of this Court in ***MAT 339 of 2024 (Apurba Biswas –Vs- The State of West Bengal & Ors.)*** vide its order dated 12.03.2024 has held that “procedural law cannot defeat substantive rights and it is required to assist and aid the object of the statute. The same cannot defeat the substantive rights conferred by statute. In

view thereof, we are of the opinion that on the ground that the Utsashree Portal was under suspension, the learned single Judge ought not to have rejected the appellant's writ petition."

4. In view of the finding of the Hon'ble Division Bench, learned Counsel for the petitioner states that the suspension of Utsashree Portal does not entitle the District Inspector of Schools to reject the application of the petitioner solely on the ground that the Utsashree Portal is under temporary suspension.

5. Applying the principle of the aforesaid judgment, the order of the District Inspector of Schools is set aside. The order dated 27.11.2022 is quashed.

6. The petitioner is directed to make a fresh representation which shall be considered in accordance with law.

7. With the aforesaid directions, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)