

10.06.2026
Sl. No.10
Ct. No.6
gd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA/704/2026
GOLAM MORTUJ
VS**

THE STATE OF WEST BENGAL AND ORS.

Mr. Shuvro Prokash Lahiri
Mr. Debajit Kundu

...for the Petitioner.

Ms. Radhika Agarwal
Ms. Esha Acharya

...for the State.

Mr. Sunit Kr. Roy (through virtual mode)

... for the WBCSSC.

1. By the present writ petition the petitioner seeks for setting aside and/or quashing of the memorandum dated 9th March, 2026 issued by the District Inspector of Schools (SE), Alipurduar, respondent no.5 and not to give any further effect to the said memorandum.
2. The petitioner contends that he participated in the 12th Regional Level Selection Test in the year 2011. However, after several litigations the petitioner was issued appointment letter in the year 2023 and he joined as an Assistant Teacher in Dhonopati Toto Memorial High School on 12th December, 2023. The petitioner filed a writ petition being WPA 6253 of 2025 seeking for

notional benefit in view of delay which occurred in appointment of the petitioner solely attributed to State authority. The said writ petition was disposed of on 2nd April, 2025 directing for grant of notional benefit to the petitioner from 1st November, 2013. The petitioner's residence is about 314 kilometers away from his present place of posting. Since the *Utsashree* portal for transfer has been suspended temporarily, on 13th February, 2026 the petitioner made offline application seeking transfer. The application of the petitioner was forwarded to the District Inspector of Schools (SE), Jalpaiguri, respondent no.5 by the concerned school authority. The District Inspector of Schools (SE), Alipurduar did not consider such prayer of the petitioner, forwarded by the school authority for transfer, on the ground that *Utsashree* portal has been temporarily suspended. Being aggrieved by such action on the part of the respondent no.5, the District Inspector of Schools (SE), Alipurduar, the petitioner has preferred the present writ petition.

3. Mr. Shuvro Prokash Lahiri, learned Advocate for the petitioner submits that mere

suspension of facilities and/or access cannot *ipso facto* repeal the statutory provisions nor can curtail such statutory right and therefore, it is obligatory on the part of the District Inspector of Schools (SE), Jalpaiguri to process the offline application of the petitioner seeking transfer. To buttress his contention he relies on the decision of the Hon'ble Division Bench passed in *Mithun Roy Vs. The State of West Bengal & ors. (Re: MAT 1706 of 2024)*. He seeks for consideration of the prayer of the petitioner for transfer.

4. Mr. Sunit Kumar Roy, learned Advocate for the West Bengal Central School Service Commission appearing through virtual mode concedes to the submission advanced on behalf of the petitioner.
5. Ms. Radhika Agarwal, learned Advocate appearing on behalf of the State leaves the matter to the discretion of this Court.
6. Upon hearing the respective parties, the only issue which falls for consideration is whether the impugned letter dated 9th March, 2026 issued by the District Inspector of Schools (SE), Jalpaiguri, respondent no.5 is sustainable or not.

7. Upon perusal of the impugned letter dated 9th March, 2026 it is found that the application of the petitioner seeking transfer has not been considered by the District Inspector of Schools (SE), Alipurduar on the ground that *Utsashree* portal has been temporarily suspended by the School Education Department till 30th June, 2026 or until further order.
8. At this stage, it would be profitable to reproduce the relevant portion of the judgement of the Hon'ble Division Bench passed in *Mithun Roy (supra)* as follows:
 - “9. *Mere suspension of the facilities and/or access cannot ipso facto repeal the statutory provisions nor can curtail such statutory right and therefore, it is obligatory on the part of the State to take a conscious decision on the application made by the appellant. Even if the portal is suspended, there is no difficulty on the part of the State or the Commission to take a printout of the said application and can process the same manually strictly in terms of the statutory Rules and/or Act provided in this regard.*”
9. Bearing in mind the aforesaid observation of the Hon'ble Division Bench the impugned letter of respondent no.5, the District Inspector of Schools (SE), Alipurduar dated 9th March, 2026 is hereby set aside.
10. The District Inspector of Schools (SE), Alipurduar, respondent no.5 is directed to consider the offline application of the petitioner dated 13th February, 2026

seeking transfer within a period of six weeks from the date of communication of this order and if the petitioner is found eligible shall take all consequential steps by forwarding the same to the West Bengal Central School Service Commission for further action within the aforementioned period. All further consequential steps shall be taken by the West Bengal Central School Service Commission within a period of four weeks from the date of receipt of such communication from the District Inspector of Schools (SE), Alipurduar.

11. With the above direction, the writ petition being **WPA 704 of 2026** stands disposed of.
12. Petitioner is directed to communicate this order to the District Inspector Schools (SE), Jalpaiguri, respondent no.5 for necessary compliance.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)