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

WPA 505 of 2026

Rinki Sarkar
Vs.
The State of West Bengal & Ors.

Ms. Akshita Chhetri
... For the petitioner.

Mr. Subir Kumar Saha
Ms. Kahika Saha Sarkar
.... For the State.

Ms. Mousumi Bhowal
Mr. Nigam Mittal
... For the DPSC Cooch Behar.

1. Affidavit of service filed in Court is taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the respondent no.6 to dispose of the petitioner's transfer application which is at present pending before him.
3. The petitioner was appointed as an Assistant Teacher at Singimari Madnakura Junior Basic School under Dinhata West Circle on 10th February, 2017. By a office memo dated 29th November, 2019, the service of the petitioner has since been confirmed. Subsequently by office memo dated 7th July, 2025 the petitioner was transferred from Singimari Madnakura Junior Basic School to Kharija Gitaldaha No.II Primary

School Cooch Behar on a stop gap arrangement in public interest.

4. The petitioner seeks for transfer, as according to her, the school where the petitioner is imparting education is about 26 kms., away from her residence and she has to undertake a journey of 52 kms., on regular basis. The petitioner claims to be ill and has a minor son.
5. Having heard the learned advocates appearing for the respective parties and noting from the submissions of the parties that the online portal “Utsashree” has remained suspended, and the petitioner has not joined the transferred posting which I have been able to ascertain from the submission made by the learned advocate representing the District Primary School Council, Cooch Behar, that such transfer was made on administrative ground and though Mr. Saha, learned advocate representing the State raises serious objections, I am of the view that the petitioner’s right to be considered for transfer in terms of West Bengal Primary School Education (Transfer of Teachers including Head Teacher) Rules, 2002 (hereinafter referred to as the “said Rules) cannot be denied simply because the portal has remained suspended. Since, the said Rules

confer a right to the petitioner to be considered for transfer, the petitioner's application for transfer cannot be kept pending.

6. Further since, the online portal has been suspended, there cannot be any embargo on the part of the concerned respondents to consider the petitioner's application for transfer in offline mode in terms of the said Rules.
7. In view thereof, I direct the concerned respondents/respondent no.6 to consider the petitioner's application for transfer by passing a reasoned order.
8. The entire process in this regard must be completed within a period of eight weeks from the date of communication of this order.
9. With the above observations and directions, the writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)