

**FMA 144 of 2024
with
IA No. CAN No. 1 of 2024**

**Soumi Halder
vs
State of West Bengal & Ors.**

Mr. Uday Shankar Bhattacharya
Ms. Sudeshna Basu Thakur
Ms. Banani Bhattacharya
..... For the Appellant.
Ms. Sonal Sinha
Mr. Avishek Prasad
..... For the State.

Affidavit-of-service filed by the appellant be kept on record. The present appeal has been preferred challenging an order dated 19th September, 2023, passed by the learned Single Judge in the writ petition being WPA 13807 of 2023.

Mr. Bhattacharya, learned advocate appearing for the writ petitioner/appellant submits that the writ petition was dismissed on the basis of an erroneous finding that the grounds for transfer were not convincing. The appellant was driven out of her matrimonial home in the year 2023 and she is presently residing at Bhowanipur along with her minor female child, who is aged about eight years. The appellant's present school is about 90 kms away from her present place of posting and as such she is facing unsurmountable inconvenience to attend his present school in Purba Medinipur.

Ms. Sinha, learned advocate, assisted by Mr. Prasad, learned advocate appearing for the State denies and disputes the contention of the appellant.

Answering our query Ms. Sinha submits that the operation of the *Utsashree* portal has been temporarily suspended.

Records reveal that a matrimonial suit between the appellant and her husband is pending before the competent Court at Alipore and that the appellant is presently residing along with her minor child in Bhowanipur. Her application for transfer has not been attended to by the appropriate authority.

In the said conspectus, the order impugned in the present appeal is set aside and the appellant would be at liberty to submit a fresh application for transfer, along with a copy of this order, to the respondent no. 5 within a period of two weeks from date. Upon receipt of such application, the respondent no. 5 shall consider the same, upon granting an opportunity of hearing to the appellant as well as the school authorities and pass a reasoned order and communicate the same to the appellant within a period of eight weeks from the date of receipt of the application for transfer.

Needless to observe as the operation of the online portal has been temporarily suspended, the appellant's application shall be considered through offline mode.

In the event the appellant's claim deserves acceptance, all necessary follow up steps shall be taken by the respondents forthwith.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, no order as to costs.

All parties shall act on the server copies of this order, duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)