

13.02.2026
Item No.03
Court No.11
KCP

**FMA 84 of 2025
with
IA No. CAN 1 of 2025**

**Sonali Negel
- Versus -
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri
Mr. A. Mondal
... for the Appellant
Mr. Shamim ul Bari
Mr. Nilofer Siddiqui Alam
... for the State respondents
Mr. Sunit Kr. Roy
... for the SSC

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 20th November, 2024 passed in a writ petition being WPA 27044 of 2024 which was preferred challenging *inter alia* an order dated 29th August, 2024 passed by the respondent no.5 intimating the writ petitioner/appellant herein that her application for transfer cannot be considered since the Utsashree online portal is temporarily suspended for processing of online transfer prayer.

Mr. Lahiri, learned advocate appearing for the appellant submits that the issue involved is no longer *res integra* and has been decided by different orders passed by co-ordinate Benches, particularly in the case of *Mithun Roy -vs- The State of West Bengal & Ors.* Let the copy of the order, as placed, be kept on

record. The authorities on a plea of suspension of Utsashree online portal cannot deny consideration of an offline application for transfer.

Mr. Bari, learned advocate appearing for the State respondents denies the contention of Mr. Lahiri and submits that there was no immediate urgency to consider the appellant's application on distance ground and as such the appellant's prayer was rightly refused and the writ petition was dismissed.

Mr. Roy, learned advocate appearing for the Commission, however, submits that no application was submitted by the appellant in the prescribed form for obtaining 'No Objection' from the school authorities and that as such question of consideration of the appellant's claim does not occasion.

In reply, Mr. Lahiri submits that presently the appellant has a child, aged about one year and due to non-consideration of her prayer for transfer, she is suffering insurmountable inconvenience. Such fact ought to have been taken into consideration before dismissal of the writ petition.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

A perusal of the order impugned reveals that taking note of the fact that in other matters the Court has

allowed the prayer for consideration of an application for transfer submitted offline due to suspension of Utsashree portal, the Court has ultimately rejected the appellant's prayer on a ground that there was no immediate urgency to consider such application. Such ground towards non-consideration of the appellant's prayer for transfer is not acceptable. The respondents have a statutory obligation to consider the application for transfer on distance ground as and when the same is submitted. In the present case the appellant could not submit online application as the Utsashree portal was under suspension and in such circumstances, the appellant cannot be made to suffer.

In view thereof, the order dated 29th August, 2024 passed by the respondent no.5 and the order impugned in the present appeal are set aside.

The appellant is, accordingly, directed to submit an application for transfer offline in the prescribed form for consideration of the school authorities towards grant of 'No Objection' within a period of three weeks from date. The school authorities shall consider the same within a period of two weeks thereafter. In the event such 'No Objection' is granted, the necessary follow up steps shall be taken by the respondent no.5 and the Commission within a period of six weeks thereafter.

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

There shall, however, be 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.)