

22.11.2021  
Item No.27  
Ct. No.17  
S.A.

**WPA 14599 of 2021**

**Supriya Singhababu**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Arunava Pati

Mr. S.C. Dhara

...for the petitioner

Mr. Srijan Nayak

Ms. Rituparna Maitra

...for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

...for the SSC

Mrs. Koyeli Bhattacharyya

...for the WBBSE

Learned advocate for the petitioner submits that the petitioner made one application for general transfer through Utshasree Portal on 11.08.2021. His application has been returned by the concerned District Inspector of Schools to the school.

Today, learned advocate for the State submits that there is a circular in respect of single teacher which was issued by the Education Department on 08.09.2021. But the present application by the petitioner was made before the said circular as to single teacher in a school in a subject came into effect. That circular dated 08.09.2021 also does not have any retrospective effect. Hence, the application filed by the petitioner before coming into force, the said circular cannot be rejected on the ground of single teacher as mentioned in the said circular.

In such circumstances, I direct the concerned District Inspector of Schools being the respondent No.6 to consider the case of the petitioner for his transfer afresh and to send the application to the Commissioner of School Education so that appropriate order of transfer in respect of the petitioner can be passed after considering all facts and circumstances. Such order is required to be passed by the Commissioner of School Education by two months from the date of communication of this order after giving an opportunity of hearing to the petitioner and also to the school. The decision as to transfer or non-transfer of the petitioner is to be communicated to the petitioner and also to the school within a period of two weeks from the date of expiry of the above two months period.

With the above direction, this writ application is disposed of.

Learned advocate for the petitioner is directed to communicate this order along with a copy of the writ application upon the Commissioner of School Education immediately.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance of the formalities.

**(Abhijit Gangopadhyay, J.)**