

23.12.2021
Item No. 1
Ct. No.17
S.A.

WPA 16072 of 2021

Dhananjay Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Mrs. Mithu Singha Mahapatra
...for the petitioner
Mr. Tapan Kumar Mukherjee
Mr. Rajat Dutta
...for the State
Mrs. Koyeli Bhattacharyya
...for the WBBSE
Dr. Sutanu Kumar Patra
Mrs. Supriya Dubey
...for the WBCSSC

In this matter the petitioner applied for transfer from his present school to another school on 12.09.2021. When he filed his transfer application, there was no existence of the Memo No. 66(25)-CSE/2021 dated 22.09.2021. Therefore, whether the petitioner was working in a single-teacher post or not cannot be a factor to be considered for giving transfer to the petitioner.

However, the School Service Commission in its affidavit-in-opposition has stated that as the petitioner is holding a single-teacher post, his transfer application was returned.

As the memorandum referred above dated 22.09.2021 does not have any retrospective effect, the applications made before that date i.e. before 22.09.2021 are to be processed in accordance with

law and it cannot be the reason that as the petitioner was working as a single-teacher in a post, his application can be returned.

Hence, I set aside and quash the decision of the School Service Commission as contained in Annexure R-1 at Page 10 of the affidavit-in-opposition filed by the School Service Commission (affirmed on 22.12.2021) and I hold that despite the ground of single-teacher, the petitioner's application for transfer cannot be returned or rejected. The School Service Commission and all other authorities are directed to look into the matter afresh and to see that despite the non-existent ground, the transfer application of the petitioner is not returned or rejected.

Such decision by the School Service Commission and other authorities is to be taken by sixty days from the date of this order.

With the above observation and direction, this writ application is allowed.

The affidavit-in-opposition and the affidavit-in-reply filed by the School Service Commission and the Commissioner are kept on record.

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

(Abhijit Gangopadhyay, J.)