

28.02.2022
Item No. 23
Ct. No.17
S.A.

WPA 312 of 2022

Manas Kumar Maji
-vs-
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Gorachand Samanta
...for the petitioner
Mr. Biswajit De
Mr. Prithis Basu
...for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

The petitioner applied for transfer from his present school to another on 03.08.2021. His application has come back from the end of the School Service Commission as appears from Page 41 on the ground that there is a single teacher in the concerned subject. The petitioner applied for transfer on 03.08.2021 and as the amendment to General Transfer Rules, 2015 came into effect from 8th September, 2021 and thereafter one memo was issued by the Government on 22.09.2021 in respect of the single teacher, those are not applicable to the petitioner because the said amendment and the said memo dated 22nd September, 2021 does not have any retrospective effect. Therefore, the decision of the School Service Commission in returning the

application for transfer of the petitioner is quashed and set aside.

The School Service Commission is directed to revisit the matter following unamended General Transfer Rules of 2015 within a period of two weeks from the date of communication of this order. If the Commission finds that the petitioner is eligible to be transferred, the Commission will take appropriate steps for issuing recommendation by seven days after the said ten-day by recommending the name of the petitioner to the West Bengal Board of Secondary Education and the Board is directed to issue appointment letter within a period of three weeks thereafter without making any further delay.

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

Affidavit of service filed in Court today is kept on record.

(Abhijit Gangopadhyay, J.)