

WPA 599 of 2022

Manish Gupta
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra.
... for the petitioner

Mr. Pinaki Dhole,
Mr. Avishek Prasad.
... for the State

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.
... for the SSC

Affidavit-of-service filed in Court today is
taken on record.

The petitioner made an application for
transfer from his present school to the other
school. The transfer application ultimately
reached the School Service Commission. The
transfer application was made by the petitioner
on 10th August, 2021. The School Service
Commission returned the transfer application to
the petitioner through the District Inspector of
Schools (S.E.) with the remarks that as per
decision has taken in the meeting in the
Education Department, a single teacher cannot
be transferred.

The question of transferability of a single
teacher arose after the amendment of the
General Transfer Rules, 2015. The amendment

came into effect on 8th September, 2021 and not before that.

The petitioner filed an application on 10th August, 2021, his right to get transfer accrued on 10th August, 2021. The amendment of the General Transfer Rules, 2015 was made only in the month of September, 2021 and it does not have retrospective effect. Therefore, the case of the petitioner is to be considered under the unamended General Transfer Rules, 2015. Therefore, the remark made by the School Service Commission as appears for page 49, 3rd row is quashed and set aside.

I direct the School Service Commission to revisit the matter and to take steps for transfer of the petitioner if he is otherwise eligible within a period of seven days from the date of communication of this order.

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

(Abhijit Gangopadhyay, J.)