

WPA 604 of 2022

Shobhan Kole
Vs.
The State of West Bengal & Ors.

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

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
... 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 11th 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 27th August, 2021 and not before that.

The petitioner filed an application on 11th August, 2021, his right to get transfer accrued on 11th August, 2021. The amendment of the General Transfer Rules, 2015 made only the month of September, 2021 does not have retrospective effect. Therefore, the case of the petitioner is to be considered under the unamended General Transfer Rules, 2015 and any other decision contrary to the said unamended Rules of 2015 is not tenable in the eye of law. Therefore, the remark made by the School Service Commission as appears for page 56, 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 has 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.)