

28.07.2022
Court No.13
Item No.129
pk

WPA 825 of 2022

**Mou Mandal
Vs.
The State of West Bengal and Ors.**

Mr. Ujjal Ray

... For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

..For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

The petitioner applied for transfer from his present school. The application has been returned from the end of the School Service Commission on the ground that she is a single teacher.

The petitioner in acceptance of the same, applied for transfer on medical grounds which has also been rejected.

The “single teacher” bar cannot be applied after the amendment of the 2015 Rules. Hence, the decision of the School Service Commission for sending back the said application of the petitioner is set therefore aside and quashed.

The School Service Commission is directed to consider the matter afresh and to transfer the petitioner if he is otherwise eligible within a period of two weeks from date.

The petitioner is granted liberty to file the application afresh, if required, only for the purpose of

opting for some new schools through the Utsashree portal as the posts in the school which the petitioner had opted for through the Utsashree portal earlier might have been filled up in the meantime. So, the petitioner may apply with new schools including the schools for which he applied for earlier if the posts in the school opted for previously are still vacant.

Upon the transfer of the petitioner, the SSC in consultation with the D.I. shall arrange to appoint a teacher in the school in the vacancy created.

The petitioner is directed to serve a copy of this order upon the School Service Commission immediately.

The impugned order shall stand set aside.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)