

24. 02. 2022
BP
Sl. 290
Court No. 17

WPA 1245 of 2022
(Via Video Conference)

Pallab Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Tamal Taru Panda
Mr. Tanmoy Chowdhury
..for the petitioner.

Mr. Supriyo Chattopadhyay
Mr. Pinaki Bhattacharya
..for the State.

Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

Affidavit of service filed in court today be kept on record.

The petitioner filed an application for transfer from his present school to another school through Utsoshree portal which has been sent back on 5th September, 2021 from the end of the District Inspector of Schools.

The petitioner is aggrieved that the reason for such sending back is single teacher. However, the petitioner filed his application for transfer on 14th August, 2021. At that point of time neither the

amendment dated 8th September, 2021 to the General Transfer Rules nor the notification dated 22nd September, 2021 in respect of single teacher came into being. Therefore, if he is a single teacher it is to be considered under the unamended Rules for General Transfer 2015.

The concerned District Inspector of Schools is directed to reconsider this application and his observation as to returning of the application on the ground of single teacher is set aside and quashed. The reconsideration is to be made by the DI within a period of four weeks from the date of communication of this order and to communicate the decision to the petitioner by two weeks thereafter.

The impugned communication is set aside otherwise no new decision, whatever be the decision, can be taken by the concerned authority. As the application has been sent back to the petitioner as appears from entry dated 31.12.2021 from Annexure P-3 (at page 28) of the writ application, the petitioner is to make a fresh application as has been submitted by the learned advocate for the petitioner. Such liberty is granted to the petitioner for filing a fresh application.

With this observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

