

10. 03. 2022
BP
Sl. 281
Court No. 17

WPA 1246 of 2022

Dibyendu Bikash Halder
Vs.
The State of West Bengal & Ors.

Mr. Tamal Taru Panda
..for the petitioner.

Mr. Tapan Kumar Mukherjee
Mr. Pinaki Dhole
Mr. Somnath Naskar
..for the State.

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

The petitioner applied for transfer from the present school to another school on 12.11.2021. This has come back from the School Service Commission on the ground of single teacher. The question of single teacher was not there in the unamended Rules of 2015 and the application was made by the petitioner before amendment of general transfer Rules of 2015 in September 2021. The application for transfer was made on 12.08.2021.

Hence I set aside the observation of the School Service Commission that for being a single teacher the application has been returned to him. Such observation

is not applicable to the petitioner as amendment to the said Rule of 2015 (made in September 2021) has no retrospective effect.

The School Service Commission is directed to look into the matter within ten days from the date of communication of this order and if the petitioner is fit for transfer, the petitioner shall be transferred to any other school nearer to his residence.

With this observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

