

24. 02. 2022
BP
Sl. 292
Court No. 17

WPA 1314 of 2022
(Via Video Conference)

Sohan Lal Das
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Roy
..for the petitioner.

Mr. Bellal Shaikh
..for the State.

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

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

It is the case of a teacher who applied for transfer from his present school to another school which has been sent back to him from the end of the School Service Commission on the ground of single teacher.

The application was made on 13.08.2021 and it came back to the petitioner on 01.09.2021 as has been submitted by the learned advocate for the petitioner. On 13.08.2021 there was no existence of the amendment of the General Transfer Rules, 2015. The amendment came into effect on 8th September, 2021. Therefore, the petitioner's application is to be considered on the basis of the unamended Rules of

2015 as the amendment does not have any retrospective effect. Therefore, the decision taken by the School Service Commission which is at page 27 of the writ application is set aside and quashed for reconsideration of the transfer application in view of the observation made above.

As the application has come back to the petitioner the petitioner is to file the same application again which liberty is granted to him. If such application is made, the entire thing is to be decided by two months from the date of uploading the said application by the petitioner.

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

With the above direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

