

01.03.2022
Item No. 283
Ct. No.17
S.A.

WPA 1334 of 2022

Raghunath Mahanty
-vs-
The State of West Bengal & Ors.

Mr. Kalyan Kumar Panda
...for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Biswarup Biswas
...for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the SSC

The petitioner's first transfer application on 10th August, 2021 was returned to him by the District Inspector of Schools on the ground of single teacher.

On 10th August, 2021, there was neither the amendment to the General Transfer Rules, 2015 nor there was any existence of 22nd September, 2021 circular/order of the Government. Therefore, sending back the application by the District Inspector of Schools for single teacher was wholly illegal and that compelled the petitioner to file the second application.

Therefore, the District Inspector of Schools is directed to consider the first application of the petitioner following the General Transfer Rules, 2015 which remains unamended and the second application as it was filed under compulsion by the petitioner is to be considered as of no effect.

The Director of School Education is directed to take immediate steps in respect of the transfer application dated 10.08.2021 within a period of 15 days from date and the ground (single teacher) on which the first transfer application dated 10.08.2021 was returned is quashed and set aside.

If it is found that the petitioner is otherwise fit to get transfer from his present school to another, the District Inspector of Schools will take steps immediately and the School Service Commission will also take steps immediately for transfer of the teacher.

The matter is disposed of.

(Abhijit Gangopadhyay, J.)