

15. 03. 2022

BP
Sl. 213
Court No. 17

WPA 1577 of 2022

(Via Video Conference)

Joydeb Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray

..for the petitioner.

Mr. Tapan Kumar Mukherjee

Ms. Saheli Mukherjee

..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 applied for transfer from his present school to the other on 12th August, 2021. The application has come back from the end of the School Service Commission on the ground of single teacher. As the petitioner applied before the amendment of General Transfer Rules, 2015 (amendment came in September 2021) the question of single teacher and creating a bar thereby does not appear for the petitioner. The amendment has no retrospective effect. Hence, the decision of the School Service Commission for sending back the said application to the petitioner is set 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 some new schools through Utsoshree portal as the posts in the school for which the petitioner opted through Utsoshree 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 earlier if the posts in the school opted previously are still vacant.

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

(Abhijit Gangopadhyay, J.)

