

15. 03. 2022

BP
Sl. 217
Court No. 17

WPA 1597 of 2022

(Via Video Conference)

Anima Barman
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
..for the petitioner.

Mr. Swapan Banerjee
Mr. Sougata Mitra
..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 10th 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 does not have any 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 she 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.)

