

15. 03. 2022

BP
Sl. 222
Court No. 17

WPA 1622 of 2022

Manidipa Sahoo
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Mithu Singha Mahapatra
Ms. Ina Bhattacharya
..for the petitioner.

Mr. Biswajit De
Ms. Rajakshmi Ghatak
..for the State.
Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

Learned advocate for the petitioner submits that the petitioner filed one application for her transfer to another school on 7th August, 2021. The transfer application has come back from the end of the School Service Commission on 21.09.2021.

This transfer application should not have been returned to the petitioner on the ground of single teacher. When the petitioner applied for the post, the unamended rules of General Transfer Rules, 2015 was in force. The amendment to the said rules came on 8th September, 2021. Therefore, this amendment cannot come in the way of the petitioner's application. The decision of the School Service Commission for sending back the application to the petitioner is quashed and

set aside. The amendment of 2015 Rules does not have any retrospective effect.

I direct the Secretary of the West Bengal Central School Service Commission to consider the matter afresh and to take steps for transfer of the petitioner to some other school if she is otherwise eligible. The entire exercise is to be completed by four weeks from the date of communication of this order. The case of the petitioner will be guided by the unamended Rules of 2015. The petitioner is also granted liberty to file a fresh application only for the purpose of selecting schools through Utsoshree portal because in the meantime there may be some posts in the schools selected earlier by the petitioner might have been filled up. So the petitioner can select other schools including the schools selected by her previously if the posts are not filled up in the meantime.

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

(Abhijit Gangopadhyay, J.)

