

15.03.2022
Item No.231
Ct. No.17
S.A.

W.P.A. 1731 of 2022

Avijit Neogi
-vs-
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Mithu Singha Mahapatra
Ms. Ina Bhattacharya
... for the petitioner
Mr. Sajal Kumar Pandit
...for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the SSC

The petitioner filed an application for transfer from his present school to the other. The transfer application was made on 25.08.2021. The transfer application has come back to the petitioner on 08.09.2021. The ground for such coming back is single teacher.

It is to be noted that the question of single teacher and their non-transferability came into effect after 2015 rule was amended in the month of September, 2021. But the transfer application was made in the month of August, 2021. The amendment does not have any retrospective effect. Therefore, the observation of the District Inspector of Schools for returning the application of the petitioner for single teacher is not feasible in the eye of law and the same is quashed.

The concerned District Inspector of Schools is directed to revisit the matter and to look into the matter following the unamended General Transfer Rules, 2015 and to take appropriate steps for sending the application to the higher authority so that the petitioner can transfer without any wastage of time.

With this above observation, the matter is disposed of.

The District Inspector of Schools will consider this matter within a period of two weeks from the date of communication of this order.

(Abhijit Gangopadhyay, J.)