

Court No. 17

WPA 1847 of 2022

**15.03.2022**

(AD 247)

(S. Banerjee)

Paramita Mondal

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta

Mr. Arka Nandi

... for the petitioner

Mr. Gourav Das

Mr. Milan Kumar Maity

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Let the affidavit of service filed in court today be kept with the record.

The petitioner filed his application for transfer from his present school to another school through Utsasree Portal on 7<sup>th</sup> August, 2021. The application was processed and the District Inspector of Schools returned the application on 25<sup>th</sup> August, 2021 on the ground of single teacher. As the petitioner applied on 07.08.2021 for transfer, his right accrued on the day when the application was made when it was the General Transfer Rules, 2015, which held the field. The amendment to the Rule wherein for the first time the single teacher condition emerged came into effect in the month of September, 2021. Therefore, the case of the

petitioner is not covered and cannot be covered by the amended Rules of General Transfer Rules, 2015 as the said amendment does not have any retrospective effect. Therefore, the case of the petitioner is to be decided on the basis of the provisions of unamended General Transfer Rules, 2015 and not the amended Rules.

Therefore, I set aside and quash the decision of the DI of schools for sending back the petition on the ground of single teacher.

I direct the said D.I. being the Respondent No.5 to revisit the case of the petitioner within a period of seven days from the date of communication of this order and to forward the application to the next authority for processing the transfer.

I direct the petitioner to communicate this order immediately.

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 direction the writ application is disposed of.

**(Abhijit Gangopadhyay, J.)**