

22. 03 . 2022

BP
Sl.199
Court No. 17.

WPA 1984 of 2022

Sumita Kabiraj
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharyya
.. for the Petitioner.

Mr. Supriya Chattopadhyay
Mr. Suman Dey
..for the State.

Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

Affidavit of service filed in court today be kept on record.

Despite service nobody has appeared for the school.

The petitioner applied for transfer from one school to another on 8th August, 2021. Her transfer application has come back after two months from the end of the Head of the institution on 21.10.2021 on the ground of single teacher.

The question of transferability of single teacher came into effect after amendment of the General Transfer Rules of 2015. Such amendment was made in September, 2021, particularly on 8th September, 2021. This amendment does not have any retrospective effect.

Therefore, the petitioner's application is to be considered under the unamended General Transfer Rules of 2015. The observation of single teacher made by the Head of the institution is wholly unwarranted and not tenable. It is set aside and quashed.

The Head of the institution is directed to send the transfer application to the next higher authority within a period of 48 hours from the date of communication of this order.

All the other authorities taken together will take appropriate steps within a period of six weeks from the date of communication of this order to the concerned District Inspector of Schools so that the petitioner can get transfer in the school of her choice if she is otherwise eligible.

With this direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

