

22. 03 . 2022

BP
Sl. 200
Court No. 17.

WPA 1989 of 2022

Rina Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Subrato Dutt
Mr. Subrata Ghosh
.. for the Petitioner.

Mr. Pushpal Chakraborty
Ms. P. Ganguly
..for the School.

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 present school to another on 22nd August, 2021 but the Head of the Institution returned it back 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 remark as to 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. The DI of Schools will also take immediate steps thereafter for forwarding the transfer application.

I direct the School Service Commission to take appropriate steps for transfer of the petitioner if she is otherwise eligible within a period of six weeks from the date of communication of this order.

With this direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

