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22.03.
2022
Ct. No.17

WPA 2012 of 2022

**Abanti Mukherjee
Vs.
The State of West Bengal & Ors.**

**Mr. Ujjal Ray
.....For the Petitioner
Sk. Mujibar Rahaman
Mr. Amrita Lal Chatterjee
.....For the State
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the WBCSSC**

The petitioner prays for general transfer from her present school to another school, which is close to her residence. She also named three schools for giving her the transfer. The District Inspector of Hooghly has returned back the application on the ground of single teacher on 29.08.2021. The petitioner filed the application on 03.08.2021 and the question of transfer of a single teacher arose for the first time when amendment to the General Transfer Rules, 2015 was made in September, 2021, the amendment has no retrospective effect. Therefore the case of the petitioner is to be considered under the unamended General Transfer Rules 2015.

Therefore, the observation of the concerned D. I. of Schools has no merit and it is quashed and set aside. The application of the petitioner is to be looked into afresh by the D. I. of Schools immediately and to send it

to the next higher authority for her transfer, if she is otherwise eligible. The next authority being the School Service Commission should look into the matter within a period of two weeks from the date of communication of this order.

The petitioner is granted liberty to select other schools by way of a fresh application through Utsasree Portal by using the same no-objection certificate only for the purpose of selecting schools because in the meantime there may be a chance of filing up of the posts of the schools which were opted by him the petitioner selected in her previous transfer application. If such posts which were opted by him in the first application remain vacant, she definitely will have the right to opt for any such school/schools. The entire action for transfer is to be completed, if she is otherwise eligible, by four weeks from date.

With the above direction the writ application is disposed of.

(Abhijit Gangopadhyay, J.)

