

Sl. 205
22.03.2022
Ct. No. 17
tbsr

WPA 2033 of 2022

Joyita Pal

-vs.-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
.....for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Biswarup Biswas
.....for the State

Mr. Sarwar Jahan
Mr. Sudipta Maiti
Ms. Pritikana Gantait
.....for the respondent No. 7

Mr. Sutanu Kr. Patra
Ms. Supriya Dubey
.....for the WBCSSC

Affidavit of Service as filed in court is taken on record. Supplementary affidavit filed in court is also taken on record.

The petitioner filed an application for transfer from his present school to another on 19th August, 2021 but it has come back from the end of the head of the institution with the remark that she is a single teacher. But the transferability of single teacher arose only after amendment of the General Transfer Rules of 2015 in September, 2021 and not before that. Therefore, the remarks of the head of the institution as

to non-transferability of the single teacher being the petitioner does not have any merit and this is set aside and quashed. It is to be kept in mind that the amendment of 2015 Rules does not have any retrospective effect. Therefore, the head of the institution is directed to forward the application to the other authorities for her transfer, if the petitioner is otherwise eligible for transfer in terms of unamended Rules of 2015.

It has been submitted from the Bar on behalf of the school that the petitioner came to the present school by way of a mutual transfer but she cannot get the second transfer in view of the said unamended 2015 Rules.

Learned Advocate of the petitioner has vehemently objected to this and stating that this was not the ground on which the transfer application returned by the authority and this cannot be taken up as a ground for returning the application.

I direct the next higher authorities to forward the application of transfer of the petitioner immediately to the School Service Commission so that a reasoned decision can be taken thereon for transfer of the petitioner, if it is permissible in law. The entire process will be completed within a period of six weeks from the date of communication of this order.

With the above direction and observation, the writ application is disposed of.

(Abhijit Gangopadhyay, J.)