

Court No. 17

WPA 2077 of 2022

22.03.2022

(AD 207)

(S. Banerjee)

Rumpa Das

Vs.

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

Mr. Goutam Bhakat

... for the petitioner

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

The petitioner filed one application for transfer from her present school to another school. Such application was filed on 19.08.2021. The application has come back to the petitioner from the end of the School Service Commission on 31.08.2021.

When the petitioner applied for the transfer, the amendment to the General Transfer Rules, 2015 did not come into effect.

Therefore, the case of the petitioner is to be considered under the unamended 2015 Rules. The amendment does not have any retrospective effect also.

Therefore, the remarks of the School Service Commission for sending back of the application of the petitioner on the ground of single teacher, is not tenable in the eye of law and it is quashed and set aside. The transfer application of the petitioner is to be dealt with under the unamended rules of 2015.

Therefore, I direct the School Service Commission to revisit the matter and to take appropriate steps for transferring the teacher, if she is otherwise eligible, within seven working days from date.

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

(Abhijit Gangopadhyay, J.)