

Court No. 17

WPA 2101 of 2022

**22.03.2022**

(AD 210)

(S. Banerjee)

Samir Biswas

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas  
Mr. Gora Chand Samanta  
Mr. Nirmalendu Bera

... for the petitioner

Mr. Biswabrata Basu Mallick  
Mr. Sayan Ganguly

... for the State

Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey

... for the SSC

The petitioner filed one application for transfer from his present school to another school. Such application was filed on 18.08.2021. The application has come back to the petitioner from the end of the School Service Commission on 06.09.2021.

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 he is otherwise eligible, within seven working days from date.

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

**(Abhijit Gangopadhyay, J.)**