

26.07.2022
Court No.13
Item No.104
pk

WPA 2197 of 2022

**Vivekananda Barman
Vs.
The State of West Bengal and Ors.**

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra

... For the petitioner.

Ms. Sipra Mazumder,
Mr. Shamim Ul Bari

..For the State.

Dr. Sutanu Kumar Patra,
Mr. Sunit Kumar Roy.

..For the WBCSSC.

Supplementary affidavit filed in Court today be taken on record.

The petitioner applied for transfer from his present school to the other. The application has been come back from the end of the School Service Commission on the ground of single teacher. As the petitioner applied before the amendment of General Transfer Rules, 2015 (amendment came in September, 2021) the “single teacher” bar cannot apply to the petitioner. The amendment has no retrospective effect. Hence, the decision of the School Service Commission for sending back the said application to the petitioner is set aside and quashed.

The School Service Commission is directed to consider the matter afresh and to transfer the petitioner if he is otherwise eligible within a period of two weeks from date.

The petitioner is granted liberty to file the application afresh, if required, only for the purpose of opting for some new schools through the Utsashree portal as the posts in the school which the petitioner had opted for through the Utsashree portal earlier might have been filled up in the meantime. So, the petitioner may apply with new schools including the schools for which he applied for earlier if the posts in the school opted for previously are still vacant.

The petitioner is directed to serve a copy of this order upon the School Service Commission immediately.

The impugned order shall stand set aside.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)