

23. 03 . 2022

BP
Sl. 320

Court No. 17.

WPA 3452 of 2022

Debasmita Paul
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
.. for the Petitioner.

Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

Mr. Supriyo Chattopadhyay
Mr. Suman Dey
..for the State.

Affidavit of service filed in court today be kept on record.

The petitioner applied for transfer from her present school to another. Her application for transfer ultimately reached the School Service Commission. The application was made on 4th August, 2021. The Commission returned it with the remark relating to single teacher of the subject. When the transfer application was made on 4th August, 2021 the question of transferability of single teacher was not in the picture as it came only after amendment of the General Transfer Rules of 2015 in September, 2021. The application was made before that. It does not have any retrospective effect. Therefore, the

remarks of the School Service Commission for returning it to the petitioner on the ground of single teacher is not tenable in the eye of law. The petitioner's case was to be dealt with under un-amended General Transfer Rules of 2015. Hence, the remarks of the Commission is found in page 22 at serial no.15 for transfer of single teacher is set aside and quashed.

I direct the School Service Commission to revisit the matter immediately and to transfer the petitioner within a period of 14 days from the date of communication of this order if she is otherwise eligible to transfer.

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

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

(Abhijit Gangopadhyay, J.)

