

**WPA 3491 of 2022**

Anjali Saha  
Vs.  
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay,  
Mr. Santanu Maji,  
Mr. Subhayu Das.  
... for the petitioner

Mr. Rizaul Hossain.  
... for the State

Affidavit-of-service filed in Court today is  
taken on record.

The petitioner filed an application for  
transfer to another school from his present  
school. It has come back to her from the end of  
the head of the institution with a remark that  
the teacher senior in age will get priority. It has  
not been stated that her application is not being  
forwarded or any other thing.

I direct the school to take immediate steps  
to check whether any other teachers in the same  
subject of the petitioner have filed applications  
for transfer and if the petitioner comes within  
the zone of consideration keeping in mind, the  
ten per cent of total number of teachers  
provision, the school should take steps  
immediately for sending the application to the  
District Inspector of Schools and the District  
Inspector will take steps immediately thereafter

to send the application to the School Service Commission.

The question of single teacher does not arise in this matter because the question of transferability of single teacher came after amendment of the General Transfer Rules, 2015, in September 2021. But the petitioner applied before that on 31<sup>st</sup> August, 2021. The amendment does not have also any retrospective effect. Therefore, even if she is a single teacher her application cannot be sent back because she is not covered by the single teacher provision which came into effect subsequent to her application. If the School Service Commission finds, if of course, the application is sent to the Commission by the D.I. after checking the facts as to the petitioner's transferability the School Service Commission will take immediate steps for transferring the petitioner.

The whole process for transfer, if it is done at all is to be completed by four weeks from the date of communication of this order.

The petitioner is directed to communicate this order to the D.I. and the School Service Commission immediately.

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

**(Abhijit Gangopadhyay, J.)**