

21.07.2022
Court No.13
Item No.121
Saswata

WPA 4954 of 2022

Sumita Mandol

Vs.

State Of West Bengal & Ors

(Through Video Conference)

Mr. Sudip Ghosh Chowdhury
... for the petitioner

Mr. Raja Saha
Mr. Shamim ul Bari
... for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... for the WBCSSC

Learned advocate for the petitioner submits that the petitioner filed one application for her transfer to another school on 15th August 2021. The transfer application has come back from the end of the School Service Commission on 30.08.2021.

This transfer application should not have been returned to the petitioner on the ground of single teacher. When the petitioner applied for the post, the unamended rules of General Transfer Rules, 2015 was in force. The amendment to the said rules came on 8th September 2021. Therefore, this amendemnt cannot come in the way of the petitioner's application. The decision of the School Service Commission for sending back the application to the petitioner is quashed and set

aside. The amendment of 2015 Rules does not have any retrospective effect.

I direct the Secretary of the West Bengal Central School Service Commission to consider the matter afresh and to take steps for transfer of the petitioner to some other school if she is otherwise eligible. The entire exercise is to be completed by four weeks from the date of communication of this order. The case of the petitioner will be guided by unamended Rules of 2015. The petitioner is also granted liberty to file a fresh application only for the purpose of selecting schools through Utsoshree portal because in the meantime there may be some posts in the schools selected earlier by the petitioner might have been filled up. So the petitioner can select other schools including the schools selected by her previously if the posts are not filled up in the meantime.

With the above direction, the writ petition being WPA 4954 of 2022 is accordingly, disposed of.

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.)