

19.07.2022
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NS Ct.13

W.P.A No. 6064 of 2022

**Suchismita Mukherjee
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Ray ... for the petitioner.

Mr. Swapan Banerjee,
Ms. Srilekha Bhattacharya .. for the State.

Mr. Sourav Mitra,
Mr. Suman Dey ... for the Central SSC.

Mr. Aniket Mitra,
Mr. Pradip Kr. Ghosh .. for the respondent nos.8 & 9.

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

The petitioner applied for transfer from his
present school to the other in August, 2021. The
application has 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 question of single teacher and creating a bar
thereby does not appear for 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 she 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 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 schools including the schools for which she applied earlier if the posts in the school opted previously are still vacant.

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

W.P.A. No.6064 of 2022 is disposed of.

There shall 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.)