

19.07.2022
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RP Ct.13

WPA 6111 of 2022

Sumitava Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty

... For Petitioner

Mr. Sourav Mitra
Mr. Suman Dey

... For Central School Service Commission

Dr. Sutanu Kumar Patra
Ms. Supriya Dube

... For SSC

Mr. Malay Singh
Ms. Neelam Singh

... For State

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

The petitioner applied for transfer from his present school to the other on 18th 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 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 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 he 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.6111 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.)