

19.07.2022
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RP Ct.13

W.P.A No. 6315 of 2022

Jhulan Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty ... for the petitioner.

Mr. Swapan Kumar Dutta
Mr. Pradyot Kumar Das .. for the State.

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

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

The petitioner applied for transfer from his
present school to the other on 14th 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 Utososhree portal as the posts in the school for which the petitioner opted through Utososhree 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.6315 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.)