

25.08.2022.
Court No.13
Item No. 236
ap

W.P.A. No. 9413 of 2022

**Smt. Mitali Bag
Versus
The State of West Bengal & Ors.**

Mr. Kartick Kumar Bhattacharyya,
Ms. Soumashree Dutta.

...For the petitioner.

Mr. Raja Saha,
Ms. Piyali Sengupta.

...For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

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

The petitioner applied for transfer from her
present school to another. The application has been
returned by the respondent authorities on the ground
that she is the only teacher in the subject.

The single teacher bar is no longer a restriction
after the amendment to the 2015 Rules. Hence the
decision of the respondent authorities to return the
said application to the petitioner is set aside and
quashed.

The respondent authorities shall continue to
process the petitioner's application in terms of the
amended Rules of 2015. The petitioner shall apply
afresh if necessary only to modify the original choice of
schools, if vacancies opted for earlier have been filled
up in the meantime.

The respondent authorities shall process the petitioner's application within the time framed stipulated under the Notification dated 21.12.2021.

Upon the transfer of the petitioner, the SSC in consultation with the concerned D.I. of Schools shall arrange to appoint a teacher in the vacancy created.

The impugned order shall stand set aside.

The petitioner is directed to serve a copy of this order upon the respondent authorities immediately.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)