

Court No. 17

WPA 13808 of 2021

16.03.2022

(AD 23)

(S. Banerjee)

Tapas Kumar Bag

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Dilip Kumar Samanta

Mr. Biswapriya Samanta

... for the petitioner

Mr. Biswabrata Basu Mallick

Mr. Sayan Ganguly

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

The petitioner applied for his transfer as is found from the application through Utsashree portal dated 07.08.2021 as well as the report filed today by the Commission. The Commission has returned the application on the basis of a meeting held on 28.08.2021 under the aegis of the School Education Department of Government of West Bengal on 26.08.2021. No copy of the minute of the said meeting has been disclosed before this court.

However, as the petitioner applied before the amendment of the General Transfer Rules of 2015 (the amendment came in September, 2021) the case of the petitioner is to be considered under unamended General Transfer Rules of 2015 and not by the amended rules.

In any event the amendment does not have any retrospective effect also.

Therefore, I set aside and quash the decision of the School Service Commission for sending back the transfer application to the petitioner.

I further direct the Commission to revisit the matter and to take appropriate steps for transfer of the petitioner to any of the schools he has opted, if he is otherwise eligible for transfer. Such steps for transfer are to be taken by ten days from the date of communication of this order by the petitioner.

The petitioner is directed to send a copy of this order immediately.

With the above direction this writ application is disposed of.

The report produced by the Commission is kept on record.

(Abhijit Gangopadhyay, J.)