

Court No. 17

WPA 14192 of 2021

28.02.2022

(AD 7)

(S. Banerjee)

Joyeeta Biswas

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Ujjal Ray

... for the petitioner

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

The petitioner submits in this writ application that she applied for transfer from her present school to another school through Utsashree portal. Her grievance is that her application has returned back to her from the end of the Commission with the reason that she is a single teacher in the post in the school.

The petitioner made this application on 10th August, 2021 when neither the amendment nor any subsequent memo for transfer of a single-teacher was issued and thereby came into effect by the concerned respondents and, therefore, her case is not covered by the subsequent amendment and any other rule thereunder.

Therefore, the petitioner cannot be guided by the amended rules or any other notification or rules as those do not have any retrospective effect. The petitioners is to be dealt with under the General Transfer Rules of 2015 and her case is to be considered under the said rule.

Therefore, the decision of the School Service Commission, sending back the application of the petitioner on the ground of single-teacher, is set aside and quashed.

The case of the petitioner is to be revisited by the Secretary of the School Service Commission by giving the petitioner an opportunity of hearing within a period of three weeks from the date of communication of this order and the decision thereon is to be intimated to the petitioner by seven days thereafter.

With this observation and direction this writ application is disposed of.

(Abhijit Gangopadhyay, J.)