

Court No. 17

WPA 15355 of 2021

19.01.2022

Rina Ghosh Mandal

(AD 8)

Vs.

The State of West Bengal & Ors.

(S. Banerjee)

(File not here)

(Via Video Conference)

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaz Uddin

... for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha

... for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

... for the SSC

Ms. Koyeli Bhattacharya

... for the WBBSE

The file is not here. But I cannot keep the citizen of India waiting on account of non-availability of a file in the court room when the counsel for parties are present.

I direct the department to place the file in the court immediately in course of the day.

I am passing this order on the basis of a copy of writ application taken from the petitioner.

The case is, the petitioner applied through Utsashree portal for transfer from her present school to another but it has come back to the petitioner on the

ground that more than 10 per cent. applicant and also for single teacher in the post.

It has not been shown before me how it can come within the rule of more than 10 per cent. applicant. The petitioner filed her application for transfer on 19th August, 2021 before the memo of the Government relating to the single teacher in the post dated 22nd September, 2021 came into effect. In any event, the said memo of 22nd September, 2021 does not have any retrospective effect and the application for transfer of the petitioner cannot be returned to her on that ground.

Therefore, I quash the decision returning the application of the petitioner on both counts, i.e., more than 10 per cent. applicant and also for single teacher in the post.

I direct the school to take fresh steps and to send the application to the appropriate authority for taking further action in respect of the transfer of the teacher. This application for transfer of the petitioner is to be considered by the parties within a period of 45 days from the communication of this order. It goes without saying that the government memo dated 22nd September, 2021 would not be applicable to the petitioner.

With the above observation, this writ application is disposed of.

The petitioner is directed to communicate the order immediately upon the school.

(Abhijit Gangopadhyay, J.)