

03.01.2022

BP  
Sl. 32  
Court No. 17.

WPA 15456 of 2021

(Via Video Conference)

Maumita Das  
Vs.  
The State of West Bengal & Ors.

Mr. Ujjal Ray  
..for the petitioner.

Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey  
..for SSC.

The petitioner applied through Utshashree portal for her transfer from her present school to another school. The School Service Commission has sent back the application on the ground that the petitioner is the single teacher in the post in the school.

However, learned advocate for the petitioner submits that the petitioner's application was returned by the School Service Commission on 4<sup>th</sup> September, 2021 which shows that the petitioner applied for transfer before that date and the circular as to single teacher post was issued by the Government of West Bengal, Education Department on 8<sup>th</sup> September, 2021.

The circular dated 8<sup>th</sup> September, 2021 does not have any retrospective effect and this cannot stand in the

way of considering the application for transfer of the petitioner. The decision of return is set aside and quashed.

Hence, I direct the School Service Commission to take further steps for transfer of the petitioner to another school considering that the circular dated 8<sup>th</sup> September, 2021 has no applicability in the case of the petitioner.

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

(Abhijit Gangopadhyay, J. )

