

04.01.2022

BP
Sl. 45
Court No. 17.

WPA 16162 of 2021
(Via Video Conference)

Minu Dan
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. M.S. Mahapatra
..for the petitioner.

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

Mr. Pinaki Dhole
Mr. Suddhadeb Adak
..for the State.

The petitioner is aggrieved by sending back of the transfer application of her through Utshashree portal by the West Bengal Central School Service Commission as appears from page 61 of the writ application. This communication is dated 18th September, 2021. There is no reason given why this application has been sent back to the petitioner. The petitioner's apprehension is, the School Service Commission sent it back on the ground of single teacher in the post in the school where the petitioner is working now.

The apprehension of the petitioner may be

correct or may not be correct. The petitioner has submitted that in respect of single teacher post a circular was issued by the Education Department, Government of West Bengal on 22.09.2021 and that circular does not have any retrospective effect, if for such reason of single teacher post the application of the petitioner has been returned by the School Service Commission injustice has been caused to her.

In several other matters this court has held that the circular dated 22.09.2021 has no retrospective effect and for this circular an application of transfer filed before the issuance of the said circular i.e. before 22.09.2021 cannot be rejected on the ground of single teacher post.

In view of the apprehension expressed by the petitioner, I direct the School Service Commission to intimate the petitioner the reason of sending back the application to her. The Commission shall have the liberty to withdraw the said communication dated 18.09.2021, if the reason for sending back is single teacher post, the Commission shall proceed further for taking steps of the transfer of the petitioner ignoring the communication dated 18th September, 2021, which is at page 61 of the writ application. The School service Commission will conclude the whole

exercise as aforesaid by four weeks from the date of communication of this order.

The petitioner is directed to communicate a copy of this order upon the School Service Commission in course of this week.

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

(Abhijit Gangopadhyay, J.)

