

28.02.2022
Item No. 11
Ct. No.17
S.A.

WPA 16875 of 2021

Barun Kumar Ray
-vs-
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Pinaki Bhattacharya
...for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
...for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC
Mrs. Koyeli Bhattacharya
...for WBBSE

The District Inspector of Schools (S.E.), Hooghly has filed a report (not in the form of an affidavit) wherefrom it appears that the petitioner applied for transfer (from his present school to another school) through Utsashree portal on 09.08.2021. On 31.08.2021, the School Authority rejected the application as the teacher is a single subject teacher. The said application was never forwarded to the said District Inspector of Schools who has filed the report.

When the petitioner applied for transfer i.e. on 09.08.2021, the General Transfer Rules, 2015 was not amended. It was amended on 8th September, 2021 and under that one memo was issued. The amendment to the 2015 rules, as aforesaid, does not have any retrospective effect. Therefore, the rejection

of the application for transfer by the school on the ground of “a single subject teacher” cannot sustain. The decision of the School Authority is set aside and quashed. The application of the petitioner for transfer is guided by the un-amended rules of General Transfer Rules, 2015 and not by any subsequent amendment or memo.

Hence, the School Authority is directed to revisit the matter immediately and to take appropriate steps following the un-amended General Transfer Rules of 2015 within a period of seven days from the date of communication of this order. If it is found that the petitioner is eligible to get transfer under the said 2015 rules, the School Authority shall forward the application to the next higher authorities immediately and the next higher authorities are directed to take immediate steps in respect of the matter without any delay.

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

The report of the District Inspector of Schools is kept on record.

(Abhijit Gangopadhyay, J.)