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14.01.
2022
Ct. No.17

WPA 16877 of 2021

Soumi Banerjee
Vs.
The State of W. B. & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
.....**For the Petitioner**
Mr. Supriya Chattopadhyay
Ms. Sayantanee Bhattacharjee
.....**For the State**
Ms. Koyeli Bhattacharya
.....**For the WBBSE**
Dr. S. K. Patra
Ms. Supriya Dubey
.....**For the SSC**

The petitioner filed one application for transfer through Utsasree Portal as her posting is 103 kilometres away from her residence. But the said application has been returned from the end of the Head of the Institution on the ground that as per decision of the School Education Department dated 26.08.2021 the application of single teacher in a particular subject cannot be considered.

The petitioner made the application on 06.08.2021 and the Memorandum issued by the School Education Department in respect of single teacher and what is required to be done for the transfer of a single teacher in a subject in a school was published on 26.08.2021.

The petitioner filed her application before issuance of the said Memorandum. The said Memorandum does not have any retrospective effect. Therefore, the application for transfer of the petitioner cannot be controlled by the said Memorandum of the Director of School Education, Government of West Bengal dated 26.08.2021.

Hence, I set aside and quash the decision of the Head of the Institution as appears from page 23 (Annexure 'P-9') of the writ application with a direction that the application for transfer of the petitioner is to be considered immediately by the school.

The school is directed to take further steps immediately within seven days from the date of communication of this order for transfer of the teacher.

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

(Abhijit Gangopadhyay, J.)

