

29. 03. 2022
BP
Sl. 6
Court No. 17

WPA 20814 of 2021

Monalisa Sahu
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaz Uddin
..for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
..for the State.

Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

The petitioner filed one application for transfer from her present school to another which has not been entertained by the Head of the Institution on the ground that the President of the school had said that no objection certificate had already been given to 10% teachers and no further no objection certificate would be given to the single teachers. The application came back to the petitioner as appears from page 25 of the writ application.

In General Transfer Rules of 2015 no special

provision was made for single post teachers. The petitioner filed the application for transfer on 8th September, 2021. One order in respect of single teacher post was issued by the Commissioner of School Education on 22.09.2021. This order does not have any retrospective effect. Therefore, the case of the petitioner is required to be dealt with under the General Transfer Rules of 2015 and this order dated 22.09.2021 will not be applicable to the petitioner.

Learned advocate for the petitioner has submitted that no second application after returning of the application of the petitioner has been filed.

Hence, I direct the concerned District Inspector of Schools to consider the transfer matter of the petitioner in terms of General Transfer Rules of 2015 without being influenced by the memo dated 22.09.2021 as it is not applicable to the petitioner. The DI should forward the application to the next authority for processing the transfer application by the said authority. Either the DI or the said next authority shall have the liberty to check whether the petitioner made any second application after coming into force of the notification dated 22.09.2021. The entire exercise is to be completed within a period of one month from the date of communication of this order and if the petitioner is not otherwise eligible she should be transferred to any

of the school selected by her through Utsoshree portal.

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

(Abhijit Gangopadhyay, J.)

