

26.07.2022
Court No.13
Item No.1
AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 1954 of 2022

**Sukanti Baidya
Vs.
The State of West Bengal and Ors.**

Mr. Sakti Pada Jana

... For the Petitioner.

Mr. Sourav Mitra

... For the SSC.

Affidavit-of-service filed in Court today is taken on record.

The petitioner applied for transfer from his present school to the other on 11th August, 2021. The application has come back from the end of the District Inspector of School on the ground of single teacher. As the petitioner applied before the amendment of General Transfer Rules, 2015 (amendment came in September, 2021) the “single teacher” bar cannot apply to the petitioner. The amendment has no retrospective effect. Hence, the decision of the District Inspector of School for sending back the said application to the petitioner is set aside and quashed.

The District Inspector of School is directed to consider the matter afresh and to transfer the petitioner if she is otherwise eligible within a period of two weeks from date.

The petitioner is granted liberty to file the application afresh, if required, only for the purpose of opting for some new schools through the Utososhree portal as the posts in the school for which the petitioner had opted for through the Utososhree portal earlier might have been filled up in the meantime. So, the petitioner may apply with new schools including the schools for which she applied for earlier if the posts in the school opted for previously are still vacant.

The petitioner is directed to serve a copy of this order upon the School Service Commission immediately.

The writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)