

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**08.09.2022
Crt. No.3.
K.B.
Item No.9.**

WPA 2535 of 2022

***Tapas Paul*
-Vs.-
*The State of West Bengal and ors.***

**Mr. Ujjal Kumar Ray
Mr. Bikash Singha
.....for the petitioner.**

**Mr. Hirak Barman
Mr. Momenur Rahaman
..... for the State.**

Affidavit of Service filed in Court today
be kept with the record.

Learned Counsel for the respective
parties are present.

The petitioner has applied for transfer
from the present school to other school on
28th August, 2021. The application has come
back from the end of the Head of the
Institution on the ground of single teacher.
As the petitioner applied before the

amendment of General Transfer Rules, 2015 (Amendment Case in September, 2021) the question of single teacher and creating a bar thereby does not appear for the petitioner. The amendment has no retrospective effect. Hence, the direction of the Head of the Institution for sending back the said application to the petitioner is set aside and quashed.

The School Service Commission is directed to consider the matter afresh and to transfer of the petitioner if she is otherwise eligible within a period of two weeks from date and also to consider with regard to medical ground.

The petitioner is granted liberty to file the application afresh, if required, only for the purpose of opting some new schools through Utsoshree Portal as the posts in the school for which the petitioner opted through Utsoshree Portal earlier might have been filled up in the meantime. So, the petitioner may apply with new schools

including the school for which she applied earlier, if the posts in the school opted previously are still vacant.

WPA 2535 of 2022 is thus disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)