

**In the High Court at Calcutta**  
**Circuit Bench at Jalpaiguri**  
**Constitutional Writ Jurisdiction**

**Appellate Side**

**WPA 1042 of 2023**

**Jayanti Tamang**  
**-versus-**  
**The State of West Bengal & Ors.**

Mr. Ujjal Ray,Adv.  
Mr. Apra Chakraborty,Adv.  
Sk. Abdur Rahim,Adv.  
...for petitioner.

Mr. Subir Kr. Saha,Adv.  
Ms. Bedashruti Bose,Adv.  
...for State.

Mr. Bikramaditya Ghosh,Adv.  
...for SSC.

Counsel for the respective parties are present. The petitioner has applied for transfer from the present school to other school on 12<sup>th</sup> August, 2021 but on 3<sup>rd</sup> September, 2021 the request of the petitioner was turned down on the ground of single teacher on the concerned subject. Again the petitioner has made a representation on 3<sup>rd</sup> September, 2021 and by an order dated 29<sup>th</sup> September, 2022, the

request of the petitioner was turned down on the ground of single teacher in Geography.

Counsel for the petitioner submits that the petitioner has applied for her transfer before the amendment of general rule, 2015 (amendment made in September, 2021) and, thus, the question of single teacher and creating a bar thereby does not appear for the petitioner. The amendment has no retrospective effect and hence the direction of the West Bengal School Service Commission for sending back the application of the petitioner is set aside. The West Bengal School Service Commission is directed to consider the matter afresh to transfer the petitioner, if she is otherwise eligible within a period of two weeks from date.

It is submitted by the petitioner that at present the Utsashri Portal is being suspended and, as such, the request of the petitioner can be considered in manual mode.

In view of the above, the West Bengal School Service Commission is directed to consider the representation of the petitioner,

if she is otherwise eligible within a period of two weeks from date.

The petitioner is given opportunity to file a fresh application, if she is required only for the purpose of opting some new school through the manual mode as the school for which the petitioner has opted through Utsashri Portal earlier might have been filled up in the meantime. So, the petitioner is employed with the new school including the school for which she applied earlier, if the post of the school opted previously is still lying vacant.

In view of the above, WPA No. 1042/2023 is disposed of.

**(Krishna Rao, J.)**