

November 24, 2023
Sl. No. 5
Court No.2
s.biswas

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2574 of 2023

Bikash Barai
vs.
The State of West Bengal and others

Mr. Sudip Ghosh Chowdhury
Mr. Gopal Roy

... for the petitioner

Mr. Subir Kumar Saha
Ms. Bedashruti Bose

...for the State

Mr. Bikramaditya Ghosh

...for the SSC

Affidavit of service filed by the petitioner is
taken on record.

The Central School Service Commission
rejected the petitioner's prayer for transfer on the
ground that the petitioner was a single subject
teacher.

The petitioner submits that when he applied
for transfer, the amended Rules of 2015 had not
come into effect. The rule for consideration of the
teachers strength and the roll strength etc. and
the embargo on the transfer of a single subject
teacher had come into operation only after
September 8, 2021. The petitioner relies on certain
orders of the Division Bench of this Court, by
which the School Service Commission was

directed to consider the case of general transfer of the appellants therein, on the basis of the Transfer Rules of 2015. The petitioner submits that vide a later notification, an embargo which had been put on transfer of a single teacher, which could not be applied in the case of the petitioner.

Under such circumstances, the writ petition is disposed with direction upon the Chairman, West Bengal School Service Commission to decide the prayer of the petitioner for transfer which was filed during subsistence of Transfer Rules of 2015, strictly in accordance with such Rules. The decision shall be taken in the off-line mode and the decision shall be communicated to the petitioner with reasons. It also appears that there are rules which now provide a mechanism to deal with a situation in case a single subject teacher seeks transfer. Outright rejection is not permissible. Alternative arrangement is to be made by the concerned District Inspector, as per the prevailing rules.. The entire exercise shall be completed within a period of two months from the date of communication of this order.

The earlier order of rejection of the prayer of the petitioner is set aside.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)