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01.05.2025
Ct. No. 18
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W.P.A. 8324 of 2025

**Purnima Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Sk. Imtiaz Uddin
...for the Petitioner

Mr. Tapas Ballav Mondal
...for the State

Mr. Kanak Kiran Bandyopadhyay
...for the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the Board

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

Petitioner made an application for transfer
on 29th August, 2021 on Utsashree Portal which
was ultimately forwarded by the concerned
District Inspector of Schools (SE) to the West
Bengal Central School Service Commission on 2nd
September, 2021 but till date transfer application
of the petitioner is not considered by the West
Bengal Central School Service Commission.
Petitioner prays for consideration of his transfer
application in terms of the Transfer Rules
prevalent when application was made. Such
submission was made in the backdrop of facts

that when petitioner made application for transfer on 29th August, 2021 requirement was 40% disability which could make an applicant teacher to pray for transfer on the ground of disability. However, vide notification dated 21st December, 2021 West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 was amended and percentage of disability was enhanced from 40% to 60% as provided under amended Rule 4(b). According to the petitioner since amendment came into effect on 21st December, 2021 after application was made for transfer on 29th August, 2021 while deciding the transfer application such amended rule has no application.

Respondents are represented by learned advocates who have jointly opposed the prayer of the petitioner on the strength of amended Rule 4(b). Since as per said amended rules requirement is 60% disability which would make an applicant teacher eligible to pray for transfer on the ground of disability.

On the anvil of amended Rule 4(b) presently requirement is minimum 60% disability which would make the applicant teacher eligible to be considered for transfer on the ground of disability. Therefore, it appears today if any

mandamus is issued directing the concerned authority of West Bengal Central School Service Commission to decide transfer application such decision has to be taken by the authority in terms of amended Rule 4(b) as contained in notification dated 21st December, 2021. It is undisputed if amended Rule 4(b) is applied petitioner is not found to be eligible to pray for transfer on the ground of disability. Transfer of a teacher is not a vested right; therefore consideration of transfer application needs to be made by the concerned authority in terms of the rules prevalent on the date of considering the transfer application. In view of aforesaid discussion no relief can be granted to petitioner.

Writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer in accordance with law in future.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)