

WPA 19858 of 2025

**Tapati Sannyasi
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
...for the petitioner
Mr. Argha Chowdhury
Mr. Aman Arif Ansari
...for the State
Mr. Sunit Kumar Roy
...for the SSC

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner made an application for transfer on portal on 16th August, 2021 on the ground of disability as petitioner was suffering from 40% disability. It is submitted by the learned advocate based on notification dated 8th September, 2021 that an applicant teacher if suffers from 40% disability or more was entitled to apply for transfer. Petitioner made application for transfer on 16th August, 2021.
3. Therefore, transfer application of the petitioner was required to be considered in terms of the parameters as laid down in notification dated 8th September, 2021, not based on the yardstick as contained in subsequent notification dated 21st December, 2021.

4. State respondents and West Bengal Central School Service Commission are represented by learned advocates.
5. It is submitted on behalf of the Commission that due to issuance of notification dated 21st December, 2021 petitioner is not eligible to be considered for appointment on the ground of disability as extent of disability of applicant teacher was enhanced from 40% to 60% or more.
6. Petitioner applied for transfer on 16th August, 2021 when applicant teacher could prefer application for transfer if said teacher suffers from 40% disability or more. Transfer application was processed and was sent to the West Bengal Central School Service Commission on 31st August, 2021 but it was not considered by the concerned authority of West Bengal Central School Service Commission. Subsequently extent of disability of applicant teacher was enhanced from 40% to 60% more vide notification dated 21st December, 2021 as provided under rule whereby Rule 4(b) was amended.
7. Notification dated 21st December, 2021 does not have retroactive operation and from the facts of the case it appears that the transfer

application through portal reached Commission on 31st August, 2021 when requisite criteria for a teacher seeking transfer on the ground of disability was 40% or more. It is not a case that the applicant teacher was not suffering from disability of 40%.

8. In view of aforesaid consideration Chairman, West Bengal Central School Service Commission being respondent no. 4 is directed to decide transfer application of the petitioner in accordance with law by 6 (six) weeks from the date of communication of this order and decision to be communicated to the petitioner by 10 (ten) days thereafter.
9. Writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)