

Government of West Bengal
School Education Department,
Secondary Branch,
Bikash Bhawan, Salt Lake City, Kolkata-700091.

NOTIFICATION

No.348-SE/S/1S-06/2012.

Dated.21/02/2012.

In Exercise of the power conferred by Section 17, read with Sub-Section (1) and subsection-(2) of 10A, of the West Bengal Central School Service Commission Act, 1997 (West Ben, Act IV of 1997), as subsequently amended, the Governor is, hereby, pleased to make the following rules, namely:-

Rules

1. Short title and commencement:-

These rules may be called the West Bengal School Service Commission (Mutual Transfer) Rules, 2012

(2)These Rules shall come into force on the date of their publication in the Official Gazette.

2. Definition:-

(1) In these rules, unless the context otherwise requires,-

- a) 'Act' means the West Bengal Central School Service Commission Act, 1997 (West Ben, ACT IV of 1997);
- b) "Central Commission" means West Bengal Central School Service Commission Constituted under clause (a) of sub-section (1) of Section 3 of the Act;
- c) 'Category' means Assistant Teachers or the Librarian or Clerical Staff and includes Clerk, Group-D, peon or laboratory Attendant or Night Guard or Matron of a school.
- d) 'Confirmed' means Confirmation in service by the School Managing Committee or the Administrator of a school of an employee who has rendered satisfactory service after being appointed in a normal vacancy and in the case of an additional post, if the Managing Committee of the School or the Administrator confirms the service of the employee after receipt of retention order of the post from the District Inspector of Schools (SE) or the Director of School Education, West Bengal;
- e) 'Form' means a Form appended to these rules;
- f) 'Hearing Committee' means a committee to be constituted under Sub-rule (5) of rule 4;

- g) 'Incumbent' means a teacher of a school of any category including non-teaching staff and librarian of a school for mutual transfer;
- h) "Joint Application" means, application signed by two incumbents individually and separately seeking interchange of their places of posting;
- i) "Mutual Transfer" means replacement of any incumbent with an incumbent of same category from reciprocal places of their posting;
- j) "Non-Teaching Staff" means an employee who is not directly involved in teaching but acts as a part of supporting system to the teaching and includes librarian;
- k) "Same Subject" means a subject which is taught by two different Assistant Teachers at their respective places of posting;

(2) Words and expression used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. **Eligibility for Mutual Transfer of a teacher,-** (1) An incumbent teacher shall be eligible for transfer under the provision of these rules subject to fulfillment of all the following conditions:-

- a) mutual Transfer shall be made between two teachers who have been appointed against the same category of vacancies and holding the same category of posts and teaching the same subject;
- b) a male incumbent shall not be eligible for mutual transfer with a female incumbent of a girls' school;
- c) the service of the incumbents concerned shall be confirmed at their respective places of posting;
- d) the Incumbents concerned opting for mutual transfer shall be from the same category of schools, having same medium of instruction i.e. Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu or Bengali-Urdu;
- e) mutual transfer shall be made between two teachers against whom no Judicial or Departmental proceeding is pending or is being contemplated.

(2) No incumbent shall be allowed to apply for mutual transfer when his/her date of superannuation is within a period of two years from the date of application for mutual transfer.

4. **Procedure for submission of application for Mutual transfer in respect of teacher,-**

(1) An incumbent teacher desirous of mutual transfer under the provisions of these rules shall apply to the Central Commission in the Form along with a requisite fees of Rs1000/- to be paid by Bank Draft drawn in favour of the West Bengal Central School Service Commission.

(2) The application so submitted shall contain the “No Objection and Declaration of the School”, as mentioned in PART-II of the Form under the signature and seal of the Secretary, Managing Committee or the Administrator of the School and the Head Master or Head Mistress or Teacher-in-charge, as the case may be.

(3) For the purpose of sub-rule (2), the school Managing Committee shall, after receiving Part-I filled up Form from the incumbent, place and consider such application in its immediately next meeting and fill up the PART-II of the Form.

(4) On receipt of such application, the Central Commission shall place it before the Hearing Committee and on receiving the report of the Hearing Committee, the Central Commission may, within a period of three months from the date of receipt of such application, recommend for mutual transfer of the two incumbents to their reciprocal places of posting.

(5) The Hearing Committee shall consist of three members selected by the Chairman of the Central Commission and the qualifications and allowances to be paid to the members of the Hearing Committee shall be decided by the Central Commission.

(6) The report of the Hearing Committee shall be made within 30 days from the date of receiving the application by the Hearing Committee from the Central Commission.

(7) The Hearing Committee shall scrutinize the applications for mutual transfer and shall call the respective incumbents and the Secretary or the Head Master/ Head Mistress/Teacher-in-charge, as the case may be, of the concerned schools and the respective District Inspectors of Schools (Secondary Education) or the authorized representatives of the District Inspectors of Schools (Secondary Education) on the date of hearing. After hearing, the Hearing Committee shall prepare a gist, in writing, of the hearing of each application for mutual transfer and shall obtain full signature thereon of all of the persons mentioned above and shall submit a report in respect of each application separately by seven days from the date of hearing to the Central Commission.

(8) For the purpose of hearing before the Hearing Committee, the Central Commission shall, by giving notice in writing to all of the persons mentioned above by registered post with acknowledgement due, intimate the date and time of hearing as mentioned in sub-rule (7).

(9) The recommendation of mutual transfer made by the Central Commission under sub-rule (4), shall be communicated to the incumbents, respective Secretaries of School Managing Committees or the Administrator of the concerned schools, as the case may be and the concerned District Inspector of Schools, within 30 days from the date of receiving the report of the Hearing Committee.

(10) While recommending the mutual transfer, the Central Commission shall mention clearly between the two incumbents who shall be released first by the concerned School Managing Committees or the Administrator of the concerned schools, as the case may be.

- (11) The incumbent who is released first from his or her post by the Secretary of the Managing Committee or the Administrator of the concerned school, as the case may be, shall join the post of his or her counterpart incumbent, within 3 days from the date of such release.
- (12) On the date of joining of the first released incumbent teacher to the post of his/ her counterpart teacher, the other incumbent teacher shall be released first by the Secretary of the School Managing Committee or the Administrator of the concerned school, as the case may be and the incoming incumbent shall then join in the place of the released incumbent.
- (13) Being released from his/her post, the other incumbent shall join the post of his/her counterpart within 3 days from the date of his/her release.
- (14) The period between the release from one school and the joining to the other school on mutual transfer, shall be treated as joining leave which shall be recorded in the relevant part of Service Books of the incumbents. This joining leave shall not be more than 3(three) days.
- (15) The salary for the joining leave shall be claimed by the concerned Head of the Institution of the respective school where the incumbent joins on mutual transfer.
- (16) No claim for any additional financial benefits like Traveling allowance or allowance for transporting belongings etc. shall be made by the incumbents.
- (17) The District Inspector of Schools (SE) concerned shall, after obtaining papers of mutual transfer from the School Managing Committee or the Administrator of the school, as the case may be, issue fresh approval of appointment to the incumbents who join in the post of the respective school. The joining leave shall be recorded in the approval memo issued by the District Inspector of Schools (SE) and the salary for the transit leave shall be allowed by the District Inspector of Schools (SE).
5. **Area / region for mutual transfer:-** A mutual transfer between two incumbents shall be intra region or inter regions or intra district or inter districts, as the case may be, covering the whole part of the State of West Bengal, excepting the Hill areas of Darjeeling District.
 6. **Admissibility of mutual transfer:-** Such mutual transfer shall be admissible only once during the entire service period of an incumbent.
 7. **Procedures of submissions of application of mutual transfer in respect of non-teaching staff or librarian:-** In case of the non-teaching staff and the librarian, desirous of mutual transfer under the provision of these rules, the provisions of these rules shall, mutatis mutandis, apply.
 8. **Report of mutual transfer to be maintained by Central Commission:-** A status report of such Mutual Transfer shall be maintained by the Central Commission and an annual statement may be forwarded by the Central Commission to the School Education Department, Government of West Bengal.
 9. **Incorrect or false or fabricated application:-** If at any point of time it is found by any of the concerned authorities that the particulars given in the application is/are not correct or false and fabricated, appropriate action against the concerned

applicant(s) shall be taken by any of the authorities relating to his/her service and his/her service can also be terminated as a result of such action.

10. **Application in other rules:-**The Rules for Managing of Recognized Non-Government Institutions (Aided and Unaided), 1969 particularly, rules relating to leave for the teaching and non-teaching staff of a school shall be deemed to have been amended in respect of the matter covered under these rules from the date of commencement of these rules.
11. **Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be:-** The School Managing Committee or Administrator of the school concerned , as the case may be, shall consider the Form of the incumbent within the period mentioned in sub-rule (3) of rule 4 and allow an incumbent to join in the school once a recommendation to that effect received from the Central Commission and non-compliance of the provisions of these rules, shall attract the provisions as laid down in section 9A of the Act.

FORM

Application for Mutual Transfer

[See rule 5 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012]

PART I

To,
The Secretary,
West Bengal Central School Service Commission
Acharya Sadan, 11 & 11/1, Block EE, Salt Lake,
Kolkata-700 091.

I do hereby apply for my mutual transfer in terms of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 giving the following particulars:-

1. Name of the applicant :
(in Capital letters)
2.
 - i) Name of the post, in which he/she is now working:
(in case on the both Assistant Teacher & non-teaching staff)
 - ii) Pay in the Pay Band and Grade Pay (Pay Scale) :
 - iii) Pay in the Pay Band and Grade Pay on the date of application:
3.
 - i) Name of school where
he/she is employed at present
(in Capital letters):
 - ii) Address of the school
(in Capital letters)
 - iii) Telephone number of the school with STD code:

- iv) Category of post(whether General/S.C./S.T./O.B.C./PH):
 - v) Nature/type of the school(Boys'/Girls'/ Co-education) :
 - vi) Status of the School(Jr.High/High/Higher Secondary) :
 - vii) Medium of instruction against which appointment has been made:
 - viii) Working Shift (Morning/Day):
4. i) Date of Birth of the applicant as per service records:
- ii) Date of joining the present school:
 - iii) Date of retirement on superannuation:
 - iv) Academic qualifications as considered by the School Service Commission/or any other authority:
5. Whether appointment has been made through the recommendation of the West Bengal School Service Commission:
- a) if yes, mention the year of Regional Level Selection Test in which he/she was selected:
 - b) if yes, mention the Memo Number of Recommendation Letter of West Bengal Regional School Service Commission:
6. Subject taught at present
(in case of Assistant Teacher):
7. The reason, in brief, for seeking such a transfer:
8. Name of the Bank with branch and date and Number of the Bank Draft:
9. Name of the person with whom mutual transfer is sought for :
(in Capital letters)
- (Enclose a complete copy of the application of the person, as without this application for mutual transfer shall not be processed).
10. Name of the post, in which he/she is now working :
(in case on the both Assistant Teacher & non-teaching staff)
- 11) i) Name of the school where he/she is employed at present :
(in Capital letters)
- ii) Address of the school :
 - (in Capital letters)
 - iii) Telephone number of the school with STD Code:
 - iv) Category of post (whether General/S.C./S.T./O.B.C./PH):
 - v) Nature/type of the school (Boys/Girls/Co-Education) :
 - vi) Status of the School(Jr.High/High/Higher Secondary) :
 - vii) Medium of instruction against which appointment has been made:
 - viii) Working Shift (Morning/ Day):
12. i) Date of Birth as per service records of the person with whom mutual transfer is sought for:
- ii)Date of joining the present school:
 - iii)Date of retirement on superannuation:
 - iv) Academic qualifications as considered by the School Service Commission/ or any other authority:

13. Whether appointment has been made through the recommendation of the West Bengal School Service Commission:

c) if yes, mention the year of Regional Level Selection Test in which he/she was selected:

d) if yes, mention the Memo Number of Recommendation Letter of West Bengal Regional School Service Commission:

14. Subject taught at present

(in case of Assistant Teacher):

Declaration of the applicant:

I, the applicant of above-named do, hereby, declare that all particulars given in this Application Form are true and correct and if at any point of time it is found by any of the authorities that the particulars given in this application is not correct or false and fabricated, appropriate action against me can be taken by any of the authorities relating to my service and my service can also be terminated as a result of such action against me by the appropriate authority.

I sign PART I of this application Form and the above declaration, being conscious about the particulars mentioned in this Form and the effect of the above declaration.

(Signature with full name of the applicant)

PART II

NO OBJECTION AND DECLARATION OF SCHOOL

This school has no objection if Sri/Smt.....designation.....Subject taughtis transferred as prayed for and we the undersigned: 1. Secretary of Managing Committee/ Administrator of the School and 2. Headmaster/Headmistress/ Teacher-in-charge of the school declare that the particulars mentioned in paragraphs 2,3 and 4 of PART I of this application Form are true and correct as per the records maintained by the school and no such particulars are incorrect.

Signature with full name and official seal of the Secretary of the Managing Committee or Administrator of the School.

Signature with full name and official seal of the Headmaster/Head Mistress/Teacher-in-charge of the School.

.....
(Office copy)

I do hereby submit this application to the Office of the West Bengal Central School Service Commission, Acharya Sadan, 11 & 11/1, Block-EE, Salt Lake, Kolkata-700091.

Date: (Full name and full signature of the applicant).

(Signature & Office Seal)

.....
(Applicant's copy)

I do hereby submit this application to the Office of the West Bengal Central School Service Commission, Acharya Sadan, 11 & 11/1, Block-EE, Salt Lake, Kolkata-700091.

Date: (Full name and full signature of the applicant).

(Signature & Office Seal)

By order of the Governor.

(Vikram Sen)
Pr. Secy. to the Govt. of West Bengal