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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

School Education Department

Secondary Branch

Bikash Bhaban, Saltlake, Kolkata-700091

NOTIFICATION

No. 707/SE/S/1S-04/95(Pt) Dated 8th September, 2021— In exercise of the power conferred by section 17, read with sub-section (1) and sub-section (2) of section 10B, of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), the Governor is pleased hereby to make the following amendment in the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015, published by this Department notification No. 159-SE/S/1S-4/95 (Part), dated the 27th February, 2015 (hereinafter referred as the said rules).

Amendments

In the said rules,—

(1) In rule 2, *omit* clause (j) of sub-rule (1).

(2) In rule 3, —

(a) for sub-rule (3), *substitute* the following sub-rule:—

“(3) Where an incumbent refuses to join his/her preferred school after due recommendation by the Commission, such incumbent concerned shall not be allowed to submit application before completion of 7 years from the above refusal.”;

(b) *Omit* sub-rule (4).

(3) For rule 4, *substitute* the following rule:—

“4. Grounds for transfer. — An incumbent may apply online in the designated portal for transfer on following grounds:

(a) Any incumbent or his/her son/daughter/spouse suffering from malignant disease/severe heart disease/renal failure/thalassemia, replacement of organ/serious gynecological disorder causing serious problem in attending the school;

- (b) Physically disablement of 40% or more as certified by competent authority;
 - (c) Female incumbent facing serious problem in attending the school due to divorce or death of husband;
 - (d) Incumbent of age 57 years and more and willing for home district posting;
 - (e) Any other reasons.”.
- (4) In rule 5, in the sub-rule (4), for the words “two years”, *substitute* the words “one year”.
- (5) For rule 6, *substitute* the following rule:—

“6. Procedure for submission and consideration of the application.— (1) An incumbent, may apply for transfer on grounds and manner mentioned in rule 4. The respective authorities involve in the process of transfer i.e. School Managing Committee (SMC), District Inspector of Schools of Secondary Education (DI), Central Commission (CSSC), West Bengal Board of Secondary Education (Board) shall consider such transfer application within such time as may be specified by the State Government by guidelines.

- (2) Upon submission of application, the authority of SMC shall –
- (a) verify the service records and other details of applicant;
 - (b) examine whether departmental/judicial proceeding is pending or being contemplated, or suspension order is issued against applicant or not. In any such affirmative case, the school authority shall not forward the application;
 - (c) consider the number(s) of subject teacher(s) and roll strength. If resultant vacancy of school in particular subject become zero, or not commensurate with roll strength, the authority of SMC shall not forward the application;
 - (d) consider the total application(s) from school is not more than 10% (ten) of total teachers’ strength of school;
 - (e) dispensed with the provision of clause (c) and (d) of this sub-rule for applications made on grounds mentioned in rule 4 (a) to (d):

Provided that while considering such applications, if resultant vacancy of school in particular subject become (0) zero, or not commensurate with roll strength, the SMC shall approach the CSSC through DI/S (SE) for filling up the vacancy:

Provided further that the CSSC may take endeavor to fill such resultant vacancy(s), by any incumbent whose application for transfer is fit for the aforesaid resultant vacancy or under provision of the section 10C of the Act with the approval of the State Government:

Provided also that the Commissioner of School Education shall supervise the process and ensure filling up of such vacancies with utmost priority and send progress report fortnightly to the School Education Department.

- (f) cause to examine the applicant by the doctor of the SMC in case of transfer application made on medical grounds mentioned in clause (a) of rule 4 and must indicate the disease of the applicant, which caused serious problem in attending the school.
 - (g) issue “No Objection Certificate” (NOC) in fit cases and shall forward transfer application to District Inspector concerned.
- (3) District Inspector concerned upon receipt of application with the NOC from school, shall:
- (a) verify the service records and other information as furnished by the incumbents;
 - (b) take the views of the Chief Medical Officer of Health(CMOH) on transfer application related to medical grounds as reported by the doctor of the SMC;
 - (c) forward transfer application to Central Commission along with his/ her view.

- (4) Central Commission upon receipt of applications for transfer from District Inspector shall consider the same only against the vacancy available at the time of consideration on following basis:-
- (a) It shall populate the reason wise transfer list forwarded by District Inspectors;
 - (b) Vacancy already reported to it for direct recruitment, shall not be filled by transfer;
 - (c) Transfer shall be made in the same category of post, as specified in sub-rule (1), (2), (3) of rule 5.
 - (d) In case of application for transfer in the category of rule 4(a) to (d) by a teacher of a particular subject to a school which is already having sufficient or excess teacher in that subject, Central Commission shall not consider the application for transfer to opted school. In the event when all options exercised are not found suitable, the incumbent may be considered for transfer to a school (having requirement of that subject teacher) nearby to opted school(s).
 - (e) Applications submitted against a single vacancy with more than one reasons, will be considered in order of preference from grounds mentioned in rule 4(a) to (e).
 - (f) In case of applications under rule 4(c) submitted against a single vacancy, divorcee/Widow Lady incumbent having child below the age of 10 years (on date of application) shall get preference over applicant having child above 10 years of age.
 - (g) In case of applications under rule 4(d) submitted against a single vacancy, incumbent who submitted application earlier shall get preference.
 - (h) In case of application for transfer in the category of Rule 4(e) by a teacher of a particular subject to a school which is already having sufficient or excess teacher in that subject, CSSC shall not consider the application for transfer to opted school. In the event when all the options exercised are not found suitable, the transfer application will be rejected by CSSC.
 - (i) In other grounds transfer under rule 4(e), if more than one application for a single vacancy is received, consideration shall be made on the basis of marks obtained on points as follows:

Sl. No.	Particular	Marking
1	2	3
1.	Service rendered in present school and post till last date of application	2 (two) marks for each completed year till 31-12-2005 not exceeding 20 marks and 1 (one) mark for each completed year after that. For 6 months and above but below 1 year will be awarded by half of the marks allotted for the year.
2.	(i) Female applicant having child below 10 years of age; (ii) Female applicant having child above the age of 10 years (age till last date of application)	5 (five) marks in addition to the marks awarded in serial No. 1. 3 (three) marks in addition to the marks awarded in serial No. 1
3.	Present serving school of applicant is away from the spouse working place	(i) above 50 km upto 100 kms : 1 mark (ii) Above 100 Kms to 200 Km: 2 marks (iii) Above 200 kms : 3 marks
4.	Distance from present Posting of applicant	While considering the distance in kilometers from the place of residence and to the place of posting, the address recorded in the Service Book shall be taken into account. For every 50 KMs distance, 1 (one) marks shall be awarded. However, total marks will not exceed more than 6(six) marks. Any change in

Sl. No.	Particular	Marking
1	2	3
		<p>the Service Book in this regard will be required to be supported with any one of the following documents in the name of the applicant or his/her spouse, namely:</p> <p>1) EPIC (Voter Card) 2) Aadhaar Card 3) Passport 4) Landline or postpaid bill of mobile telephone 5) Electricity bill 6) Bank Passbook 7) Driving License.</p> <p>Distance calculated by the CSSC will be final and no appeal for fresh calculation will be entertained.</p>
<p>N.B. In case of two or more incumbent securing same marks, application submitted earlier shall get priority.</p>		

- (j) After considering the applications so forwarded to the Central Commission in the manner provided hereinbefore, it may issue recommendation of transfer to the Board, in fit cases.
- (k) In case of rejection, the Central Commission shall inform reason to incumbent, District Inspector and School Management Committee.
- (5) (a) The Board being appointing authority, after receipt of such recommendation, issue transfer order mentioning the joining time, with copy to CSSC, DI and SMC (of present and proposed school of posting) and keep the vacancy report updated caused due to transfer.
- (b) After receipt of the transfer order, SMC of releasing school shall take action for release and issue LPC.
- (c) The SMC/ HM of joining school, as the case may be, shall join the teacher within the given time.
- (d) After receipt of copy of the transfer order, release order and joining report, concerned DI will take action for updating service record of incumbent.
- (6) The Board may, on basis of application or otherwise transfer any female teacher who is of victim of crime with the concurrence of the State Government in the School Education Department. It shall maintain due confidentiality in regard to identity of such victim.”.
- (6) Omit rule 7.
- (7) Omit rule 8.
- (8) For rule 9, substitute the following rule:—
- “9. Admissibility of General Transfer. – Incumbent, if otherwise eligible, may again apply for general transfer after completion of five (5) years of service from last transfer.”
- (9) For rule 11, substitute the following rule:—
- “11. Report of General Transfer to be maintained by Central Commission and Board. – A status report of such General Transfer will be maintained by the Central Commission and Board and an annual statement will be forwarded by the Central Commission and Board to the School Education Department, Government of West Bengal.”
- (10) For rule 14, substitute the following rules:—
- “14. Non-compliance of these rules by the School Managing Committee or Administrator or Head of Institution of the school concerned, as the case may be. – It shall be mandatory for the Managing Committee or Administrator or Head of Institution of the school concerned to issue No Objection Certificate

to eligible applicant or to allow an incumbent to be released and join in the concerned school as per order of the Board. Any delay or non-compliance in releasing or joining of the teacher on transfer shall be viewed as disobedience of order of the Board and Board may take appropriate action against the School authority. DIS/Board may also call for explanation and may take appropriate action for delay or non-compliance in issuing No Objection Certificate to eligible applicant.

14A. Appeal. – An incumbent aggrieved by disposal of transfer application may, within 30 days of the date of receipt of such disposal order, prefer an appeal to the Commissioner of School Education. However, such aggrieved incumbent shall before preferring any appeal against an order of transfer, be required to comply with the order of transfer.”;

(11) In the FORM, –

- (a) below the heading “FORM”, for the words, figures and number, “[See sub-rule (2) of the rule 6]” *substitute* the words figures and numbers “[See rule 6(1)-As per entry in Transfer Portal]”.

By order of the Governor,

MANISH JAIN

Principal Secretary to the Government of West Bengal