

West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002

Government of West Bengal
School Education Department, Primary Branch

NOTIFICATION

No. 809-SE(Pry), Dated: 15.07.2002

In exercise of the power conferred by the sub-section (1) and clause (K) of sub-section (2) of section 106 of the West Bengal Primary Education Act, 1973 (West Bengal Act XLIII of 1973) (hereinafter referred to as the said Act), the Government is pleased to make the following rules. The rules will be in suppression of all previous rules and will come into effect immediately.

RULES

1. Short title and application:

- (1) These rules may be called the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002.
- (2) These rules shall apply to Teachers including Head Teachers for the purpose of transfer from one primary school to another within the jurisdiction of a Council.

2. Definitions:

In these rules, unless the context otherwise requires.

- (a) "The Act" means the West Bengal Primary Education Act, 1973 (West Bengal Act XLIII of 1973);
- (b) "Board" means the West Bengal Board of Primary Education established under the Act;
- (c) "Council" means a District Primary School Council established under the Act;
- (d) "Head Teacher" means the teacher of a Primary School appointed as a Head Teacher of the Primary School by the Council;
- (e) "Primary School" means a School or a department of a School set up under the Act;
- (f) "Teacher" means a person who holds a teaching post in a primary school or in a junior basic school, appointed on a regular and whole time basis and is paid wholly from the funds under the control of the State Government in the School Education Department.

3. Roll Strength of a Teacher

A Primary Teacher under the jurisdiction of the Council ordinarily will have one teacher for every forty pupils or part thereof, not being less than twenty in a hilly, forested or other thinly populated

area. A second teacher may be admissible when the roll strength exceeds sixty. A third teacher may be admissible when the Roll strength exceeds one hundred. Similarly, a fourth teacher may be admissible when the Roll strength exceeds one hundred forty and so on. But in no case a primary school is to have less than two teachers.

4. Condition for Transfer

A Council may –

- (a) On its own motion, or
- (b) On an application from a teacher, transfer approved teacher within its jurisdiction from one primary schools to another primary schools on the condition that such approved teacher is confirmed and has completed minimum two years of continuous service both in case of mutual or single transfer;

Provided that the Council may, if it considers necessary for proper utilization of service of a primary teacher in the interest of education, transfer and approved teacher without maintaining any time limit of service;

Provided further that where there is a surplus teacher according to Roll strength as stated in rule 3, the Council may, on its own motion, transfer such approved teacher without maintaining any time limit of service by way of rational adjustment of teacher in a primary school having deficit teacher in the following order of preference:

- (i) A primary school without an approved teacher,
- (ii) A primary school having a single teacher, and
- (iii) Other primary school having shortage of teacher.

5. Procedure for Transfer

(1) A teacher seeking transfer under clause b of rule 4, shall submit his application for transfer with reasons thereof to the concerned Sub-Inspector of Schools during the month of December of each year and the concerned Sub-Inspector of Schools shall subsequently send such application with his specific views to the respective Council by January of the Succeeding year.

(2) Subject to sub rule (3) the Council shall consider such application and take a decision in respect of transfer by February and March of each year. Every transfer order shall be effected either at the end or at the beginning of the academic year.

Provided that if it is considered expedient to do so by the Council under a exceptional circumstances the application for transfer may be considered at any time with the approval of the Board.

(3) The Council may, while processing the application for transfer of approved teachers, consider the applications of such teachers as stated below on the priority basis according to the following order of preference, namely:

- (a) A physically handicapped teacher having more than fifty percent of handicappedness of such teacher possessing a supporting document issued by the competent authority;

(b) A female teacher who has to face serious inconvenience in attending the school regularly due to her present place of posting;

(c) A teacher suffering from acute incurable disease like cancer, kidney element etc. and such teacher possessing a supporting document issued by the competent authority;

(4) After considering the application for transfer of an approved teacher, the Council may accept or reject the application for transfer and such decision of the Council shall be final.

(5) If the application of the approved teacher is accepted, the Council shall issue an order of transfer under the signature of the Secretary of the Council and such order shall be communicated to the teacher and other concerned forthwith.

(6) On receipt of the order of transfer, the Sub-Inspector of Schools of the concerned Council shall immediately issue release order in favour of the teacher, so transferred, with a direction the new place of posting.

(7) The concerned teacher shall after receiving the release order, join the new place of posting as directed under sub-rule 6. A transferred teacher shall be entitled to the joining time as stated under rule 7 depending upon the distance between two schools by normal route.

(8) The transferred teacher shall at the time of joining new place of posting submit a joining report to the concerned Sub-Inspector of Schools who shall endorse a copy of the joining report to the Secretary to the Council.

6. Bar to Transfer

(1) No teacher shall be eligible to apply for transfer for a period of five years from the date of transfer.

(2) No teacher shall be eligible for transfer if he attains the age of fifty seven years.

(3) No prayer of transfer shall be entertained for next five years if the transfer order is not carried out by an approved teacher in whose favour a transfer order is issued.

7. Joining Time

A teacher while carrying out the order of transfer shall be entitled to joining time as specified below namely:

Distance between two Schools by normal route	Joining Time
Up to 8 Kms	Nil
Above 8 Kms to 30 Kms	1 (one) day
Above 30 Kms but under 150 Kms	2 (two) days
Above 150 Kms	3 (three) days

8. Inter Council Transfer

In case of inter council transfer the Council shall follow the principles and procedures of the board in accordance with the provision conferred by the clause (K) of section 19 of the Act.

9. Disciplinary Proceedings

Where a teacher fails to comply with an order of transfer made under these rules, disciplinary proceedings against such teacher may be initiated.

10. Appeal

(1) A teacher aggrieved by an order of transfer may, within 30 days of the date of receipt of such order, prefer an appeal to the Board.

(2) Such an aggrieved teacher shall, before preferring any appeal against an order of transfer under these rules, be required to comply with the order of transfer.

(3) The Board may dismiss the appeal or pass an order directing the Council to modify or reverse its decision, and the Council shall comply with such order.

11. Interpretation

If any question arises relating to the interpretation of these rules, the Council shall refer the matter to the Board and the decision of the Board shall be final.

By the order of the Governor

Sd/- D. Basu
Special Secretary to the Govt. of West Bengal

No. 809-SE dated 15.07.2002