

**GOVERNMENT OF WEST BENGAL
SCHOOL EDUCATION DEPARTMENT
SECONDARY BRANCH
BIKASH BHAVAN, SALT LAKE, KOLKATA – 700 091**

No: 687/SE/S/1S-08/16

Date: 24.05.2016

The Government in School Education Department has introduced 'Transfer Rule' for the teaching and non-teaching staff of the Non Govt. Aided/Govt. Sponsored schools in terms of Notification No: 159-SE/S/1S-4/95(Part) dt: 27/02/2015 and 348-SE/S/1S-06/2012 dt: 21.02.2012.

As per the existing administrative procedure, the respective school authority is the appointing authority in respect of the teaching and non-teaching staff of the school.

Some questions have arisen regarding maintenance of Register of Appointment (ROA) of the concerned schools against the vacancy created due to such transfers and appointments of the transferee staff to the new school following Roster Point there.

It is clarified that the vacancy created due to transfer of any teaching and non-teaching staff of a Govt. Aided/ Sponsored school shall fall within the scope and ambit of Sec 4(1) of West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 read with Sec 5 of the West Bengal Backward Classes (other than Scheduled Castes & Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012.

Further, for maintenance of ROA in the school in respect of subsequent appointment for effecting the transfer, in question, the procedure as laid down in memo no: 4977-BCW/MR-33/15 dt: 18/12/15 is to be followed strictly.

This order is being issued with the concurrence of Backward Classes Welfare Department accorded under U.O. No: 572 dt: 16.05.2016.

By order of the Governor
Sd/-
Principal Secretary
School Education Deptt.


No: 687 /1(9)/SE/S/1S-08/16

Date: 24.05.2016

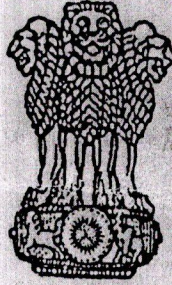
Copy forwarded for information and necessary action to:

1. The Principal Secretary, Backward Classes Welfare Department, Administrative Building, DJ-4, Sector-II, Salt Lake, Kolkata-700091.
2. The Commissioner of School Education, West Bengal, Bikash Bhawan, 7th Floor, Salt Lake, Kolkata-700091.
3. The Secretary, West Bengal Central School Service Commission, Acharya Sadan, Block: EE-11 & 11/1, Salt Lake, Kolkata-700091.
4. The Administrator, West Bengal Board of Secondary Education, Nivedita Bhawan, Block-DJ,/8, Sector-II, Karunamoyee, Salt Lake, Kolkata-700091.
5. The Secretary, West Bengal Council of Higher Secondary Education, Vidyasagar Bhavan, 9/2, Block-DJ, Sector-II, Salt Lake, Kolkata-700091.
6. All DIS (SE) - With request to communicate the above order to all schools under his/her jurisdiction.
7. OSD to MIC, School Education Deptt., Bikash Bhawan, 5th Floor, Salt Lake, Kolkata-700091.
8. Sr. PS to the Principal Secretary, School Education Deptt., Bikash Bhawan, 6th Floor, Salt Lake, Kolkata-700091.

✓ 9. Office copy.


Assistant Secretary
to the Govt. of West Bengal

The Kolkata Gazette



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Extraordinary
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TUESDAY, DECEMBER 29, 2015

[SAKA 1937

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

GOVERNMENT OF WEST BENGAL
BACKWARD CLASSES WELFARE DEPARTMENT
ADMINISTRATIVE BUILDINGS, BIDHANNAGAR, KOLKATA-700 091
Website : www.anagrasarkalyan.gov.in

MEMORANDUM

No. 4977-BCW/MR-33/15

Dated, the 18th December, 2015.

For some time past it has come to the notice of this Department that some of the Departments of Government of West Bengal has issued orders/circulars allowing transfer of employees, from one appointing authority to another appointing authority, where both the organizations and the appointing authority, albeit are different, has identical nature and character. This transfer from one organization to another, under different appointing authority requires adjustment of the vacancies whereby the transferred employee is fitted in appropriate 'Roster Points' of the 'Register of Appointment' (RoA) which are maintained by the different Appointing Authorities as per Rule 3 of WB SC&ST (Reservation of Vacancies in Services and Posts) Rules 1976.

To effectively handle this aspect, the Governor, in exercise of the power conferred by Section 10 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 read with Sec 15 of WBBC(Other than SC&ST) (Reservation of vacancies in services and posts) Act 2012 is pleased to order that-

In specific cases where it is ordered by competent authority that vacancy is also created by transfer and the incumbents so transferred are shifted to other organizations of explicitly same nature and character but are placed under different Appointing Authorities, the 'Register of Appointments' as provided for in Rule 3 WB SC&ST (Reservation of vacancies in services and posts) Rules 1976 will be maintained in the following manner-

1. (a) Vacancies created by transfer can be filled up by either transfer or fresh recruitment.
- (b) For vacancies arising out of transfer, the appointing authority should record the same in the remarks column of the RoA.
- (c) Vacancies created by transfer of Unreserved (UR) category can be filled up by candidates belonging to general category.

(d) Similarly Vacancies created by transfer of a particular reserved category can be filled up by candidates belonging to that reserved category only.

2. every transferee shall have to be placed in the ROA of the recipient organization in the following manner:-

(a) If the transferee belongs to unreserved category, his joining shall be adjusted against an available unreserved roster point. If such roster point is not available, but a vacancy in reserved RP is available, then the incumbent will be placed in the available reserved RP and this Reserved RP will be carried forward to the next UR Roster Point as is provided for in the said Act vide Sec 6(2). While executing this 'carry forward method' vertical reservation shall be considered subject to applicability of horizontal reservation in Roster Points. In case transfer is made to an organization beyond the relevant sanctioned posts there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done,

(b) Implementing repeated "Carry Forward" as per para 2 (a) will not amount to multiple violation of 'Roster Points' in 'Register of Appointment' provided it is marked as per para (a).

(c) If the transferee belongs to reserved category, his joining shall be adjusted against an available reserved roster point of the same category. If such roster point is not available, but a vacancy in any reserved / unreserved RP is available, then the incumbent will be placed in that RP and this Reserved RP will be carried forward to the next Roster Point of the same category. In case transfer is made to an organization beyond sanctioned post there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done.

3. In implementing para 2(a) "Carried Forward Owing to Transfer" should be recorded by the competent authority in the 'Regularisation Order' and in the 'remarks' column of 'Register of Appointment'.

Explanation- 1) implementation of the order hinges upon an order from the Competent Authority of the concerned Department to the effect that transfer creates a vacancy of the same nature as per Sec- 4(1) of WBSC&ST (Reservation of Vacancies in Services and Posts) Act 1976 and Sec 5(a) of WBBC (Other than SC&ST) (Reservation of Vacancies in Services and Posts) Act, 2012.

Note- 1) The vertical reservation of Roster Points have been considered in this order. The horizontal reservation of Roster Points needs to be dealt by the relevant appropriate authorities.

The memorandum takes immediate effect and will be applicable for the relevant Roster Points reserved for OBC category in the RoA.

By order of the Governor,

S. K. THADE,

Principal Secy. to the Government of West Bengal.