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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
HIGHER EDUCATION DEPARTMENT
(INTEGRATED LAW CELL)
BIKASH BHABAN, SALT LAKE, KOLKATA-700 091

NOTIFICATION

No. 62L/10M-49/2022 dated Kolkata, the 20th February 2023.— In exercise of the powers conferred by section 17, read with section 11, of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017 (West Ben. Act VII of 2017), the Governor is pleased hereby to make the following amendments in the West Bengal Colleges (Transfer of Employees) Rules, 2017, issued by this Department notification No. 276-ILC/OM-34L/2017, dated 31.10.2017, and published in the *Kolkata Gazette, Extraordinary*, PART I, dated 01.11.2017 (hereinafter referred to as the said rules), namely:—

Amendments

In the said rules,—

- (1) in rule 2,—
 - (a) in clause (13), for the word “librarian”, substitute the words “Librarian, Principal”;
- (2) for the figure and word “2. Applicability”, substitute the figure, letter and word “2A. Applicability”;
- (3) to rule 2A, so renumbered, the following proviso shall be added:—

‘Provided that the Governing Body of the concerned college shall examine the teacher- student ratio in the applicant’s present college in the relevant subject and if the said ratio is adverse towards smooth functioning of teaching-learning process, the Governing Body shall not issue “No Objection Certificate (NOC)” to the applicant seeking transfer on own seeking.’;

- (4) in rule 3, insert the following explanation:—

“Explanation.— For the purpose of this rule, “hardship of the employee on special ground” shall include the following:—

- (I) any incumbent or his son, daughter, spouse suffering from malignant diseases, severe heart diseases, renal failure, thalassemia, replacement of organ, serious gynecological disorder, as certified by the Chief Medical Officer of Health of a district or the Director of Health Services, West Bengal or by such officer as may be authorized in this behalf by the Director of Health Services, West Bengal, as the case may be;
- (II) Physical disablement to the extent of 40% or more as certified by the Chief Medical Officer of Health of a district or the Director of Health Services, West Bengal or by such officer as may be authorized in this behalf by the Director of Health Services, West Bengal, as the case may be;
- (III) any such female employee facing serious problem in attending college because of desertion, divorce or death of husband;
- (IV) any such employee who is to be superannuated within three years from the date of application.”;
- (5) in rule 4,—
- (a) for sub-rule (1), *substitute* the following sub-rule:—
- “(1) A teacher, Librarian or Principal may make online application in the designated portal of the Higher Education Department for his transfer under these rules against the vacancy irrespective of category of vacant post except vacancy in the post meant for category of ‘Persons with Disability’:
- Provided that a teacher shall make online application for transfer for the same subject only.”
- (b) in sub-rule (3), *omit* the words “, and in such cases, transfer can be effected only after re-allocation by the appropriate authority”;
- (6) in rule 5,—
- (a) for sub-rule (1), *substitute* the following sub-rule:—
- “(1) Every application for transfer under these rules shall be made online in Form-I, and shall be completed in all respect and shall be submitted online to the Director of Public Instruction through concerned Head of Institution. The application shall be accompanied by a “No Objection Certificate” signed by the President of the Governing Body or the Administrator, as the case may be, and the Principal or Vice-Principal or Teacher-in-charge, as the case may be, of the concerned college (in Part-II of Form-I).”;
- (b) for sub-rule (2), *substitute* the following sub-rule:—
- “(2) Every college shall update in the Portal (the vacancy position twice in a year, as may be notified by the State Government) both for teaching and non-teaching employees along with the authenticated reservation rosters and the portal will be opened twice a year, as may be notified by the State Government, to receive applications for transfer of own seeking and mutual transfer.”;
- (c) in sub-rule (6), for the words “may effect the transfer”, substitute the words “may approve the transfer”;
- (d) in sub-rule (7), for the words “transfer order issued by the State Government”, *substitute* the words “transfer order issued by the Director of Public Instruction, West Bengal.”;
- (7) in rule 6, in sub-rule (2), *omit* the proviso;
- (8) in rule (7), for sub-rule (1), *substitute* the following sub-rule:—
- “(1) An employee desirous of mutual transfer under the provisions of these rules shall submit application online to the Director of Public Instruction in Form-II.”;
- (8) after rule 7, *insert* the following rules:—
- “7A. Mode of disposal of more than one application for own seeking transfer.— When more than one application is submitted for transfer against a single vacancy under these rules, the transfer may be considered taking into consideration the marks to be awarded in the following manner:—

Sl. No.	Particular	Marking
1.	Age of the applicant as on the date of online application as per his or her date of birth recorded in the Service Book.	<p>1 (one) mark for the age up to 35 years.</p> <p>2 (two) marks for the age above 35 years but up to 45 years.</p> <p>4 (four) marks for age above 45 years but up to 60 years.</p> <p>5 (five) marks for more than 60 years.</p>
2.	<p>(i) Female applicant with child below ten years of age as on the date of the application. (In case of children more than one, the age of the youngest child is to be considered.)</p> <p>(ii) Female applicant with child above age of ten years as on date of application. (In case of children more than one, the age of the youngest child is to be considered.)</p>	<p>5 (five) marks will be awarded for category No.(i)</p> <p>3 (three) marks will be awarded for category No.(ii)</p>
3.	Length of service rendered in college	<p>(i) Less than 10 years-1 mark;</p> <p>(ii) 10 years and above but less than 15 years- 2 marks;</p> <p>(iii) 15 years and above but less than 20 years- 3 marks;</p> <p>(iv) 20 years and above but less than 25 years- 4 marks;</p> <p>(v) 25 years and above-5 marks;</p>
4.	Distance of present place of posting of applicant from her/his Permanent place of residence	<p>While considering the distance in kilometers between permanent place of residence and the place of posting, the address recorded in the Service Book shall be taken into account.</p> <p>For distance exceeding every 25 kms, 1 (one) mark shall be awarded.</p> <p>However, total marks will not exceed 6 (six) marks.</p> <p><i>Note.</i>— Change in address of the applicant or his/ her spouse, shall be supported by the documents namely, EPIC/ Aadhaar/ Passport/ Pass Book of Bank/ Electricity Bill/ Deed of Conveyance/Local authority Mutation Certificate/ Property Tax Bill or any other documents as may be notified by the State Government.</p>

N.B.— In case of two or more incumbent secures same marks, applicant whose date of birth is earlier/ earliest will get preference.

7(B). Grounds of preference in transfer.— (1) Every applicant seeking transfer will record reason in the designated section of the online application form.

(2) Employee seeking transfer will be given preference in following descending order:—

- (i) any incumbent or his/ her son/ daughter/ spouse (disease of the applicant will be given preference) suffering from malignant diseases, severe heart diseases/ renal failure/ thalassemia, replacement of organ/serious gynecological disorder as certified by the Chief Medical Officer of Health of a district or the Director of Health Services, West Bengal or by such officer as may be authorized in this behalf by the Director of Health Service, West Bengal, as the case may be, with preference to be given in the following order:—
 - (a) malignant diseases
 - (b) severe heart diseases
 - (c) renal failure
 - (d) thalassemia
 - (e) replacement of organ
 - (f) serious gynecological disorder;
- (ii) physical disablement of 40% or more as certified by the competent authority, with or without companion;
- (iii) any female employee who has been divorced or deserted or whose husband has been deceased;
- (iv) any employee who is to be superannuated within three years from the date of application;
- (v) any other reason.”.

By order of the Governor,

MANISH JAIN

Principal Secretary to the Government of West Bengal.