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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
DEPARTMENT OF HIGHER EDUCATION
SCIENCE & TECHNOLOGY AND BIOTECHNOLOGY
(INTEGRATED LAW CELL)
BIKASH BHABAN, SALT LAKE, KOLKATA-700 091

NOTIFICATION

No. 276 –ILC/OM–34L/2017, dated 31.10.2017:– 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 Bengal Act VII of 2017), the Governor is hereby pleased to make the following rules regulating transfer of employees of Government aided colleges in West Bengal:–

–Rules–

1. Short title and commencement :–

- (1) These rules may be called the West Bengal Colleges (Transfer of Employees) Rules, 2017.
- (2) They shall come into force from the date of its publication in the *Official Gazette*.

2. Definitions:– In these rules, unless the context otherwise requires:–

- (1) “Act” means the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017; (West Ben. Act VII of 2017)
- (2) “Administrator” means a person appointed by the State Government in replacement of the Government Body of a college;
- (3) “Appointing authority” means, in relation to a college, the Governing Body or the Administrator, as the case may be;
- (4) “college” means the Government-aided colleges receiving regular pay-packets from the State Government;
- (5) “Commission” means the West Bengal College Service Commission;

- (6) "category of post" means the nature of the post, in regard to its reservation status in case of all employees and includes same or relevant subjects attached to the post in regard to teaching employees;
- (7) "distance" means the radial distance in kilometres from the place of residence to the place of posting;
- (8) "Form" means a Form prescribed and appended to these rules;
- (9) "Mutual transfer" means transfer of two employees holding the same category of posts in two different colleges and exchange of colleges between them on mutual agreement subject to the State Government's approval;
- (10) "Re-allocation of post" means withdrawal of service of an employee from one college and placement of his service to another college on transfer through the re-allocation of the existing post and its assignment to the college where the service of the transferred employee is placed, irrespective of the category (Unreserved/SC/ST/OBC-A/OBC-B/PWD) of post, or the subject attached to the post, and the responsibility of re-adjustment/regularisation of the reservation roster by the competent authority devolves upon the College Authority of the College where the transferred employee is posted and such college authority shall have its reservation roster adjusted/regularised suitably within a period not exceeding six months from the date of joining of the transferred employee with intimation to the Director of Public Instruction;
- (11) "Staff pattern" means the sanctioned strength of teaching or non-teaching post in a college approved by the State Government in consonance with the reservation rules, before or after re-allocation of a post;
- (12) "Joint Application" means an application signed by two employees holding the same category of post in the same or relevant subjects jointly seeking interchange of their places of posting on mutual transfer;
- (13) "employee" includes a teacher, librarian, and non-teaching employee of a college for the purpose of these rules;
- (14) "probation" means appointment in a substantive post on temporary basis before confirmation;
- (15) "roster" means the arrangement of various categories posts (Unreserved/SC/ST/OBC-A/OBC-B/PWD) in a single list in consonance with the reservation policies of the State Government as prepared by the Backward Classes Welfare Department and the Social Welfare and Women and Child Welfare Department, Government of West Bengal, as the case may be;
- (16) "Teacher-in-charge", means the teacher of a college appointed as such in absence of the Principal or the Vice Principal by the Governing Body or by the Administrator.

2. **Applicability:** – Transfer under these rules cannot be claimed as a matter of right. The grant of transfer is subject to the larger interest of maintaining a healthy and efficient higher education system. In particular, factors such as availability of vacant post, teacher-pupil ratio in the institution concerned, demand for a particular subject, issues of larger interest such as the need to expand higher education in remote and backward areas, the requirements of the reservation rosters, etc. will determine whether a particular application for transfer by an employee can be accommodated or not. While it is the Government's intention to accommodate reasonable requests for transfer of a teacher's own seeking, where feasible, it is made abundantly clear that the administrative rules and procedures for transfers prescribed under these rules shall be subject to the overarching interest of having a healthy teaching-learning environment in the State-funded higher education institutions of West Bengal.

3. **Conditions for transfer of own seeking:–**

- (1) An employee shall be eligible for transfer of his own seeking only if he has been confirmed in service, and has completed 5 (five) years of satisfactory and continuous service in a college from which he seek transfer:

Provided that the State Government may, for reasons to be recorded in writing, allow an employee for transfer of his own seeking not completing five years, considering the exigencies of the situation and hardship of the employee on special ground, but such prayer shall not be allowed, if the employee concerned is on probation:

- (2) No application under transfer of own seeking shall be entertained if the employee concerned seeks a transfer to a college situated within a distance of 25 (twenty-five) Kilometres from present place of posting:

Provided that the State Government may, for reasons to be recorded in writing, allow employees for transfer under this rule within the prescribed distance, considering the exigencies of the situation and hardship of the employee on special ground, but under no circumstances, such prayer shall be allowed, if the employee concerned is on probation.

- (3) The benefit of transfer under this rule can be enjoyed only once in the whole service life and if the employee concerned fails to join the post on transfer, he shall forfeit his right of seeking a transfer under this category.

4. Eligibility for transfer of own seeking:—

- (1) A teacher may apply for transfer under this rule to a similar category of vacant post having same or relevant subject in another college.
- (2) A librarian may apply for transfer in another college having vacant post of librarian, and a non-teaching employee may apply for transfer to a similar category of post in another college.

(3) Category of posts (Unreserved/SC/ST/OBC-A/OBC-B/PWD) may be suitably reallocated if the roster of appointment is regularised by the competent authority in due course, and in such cases, transfer can be effected only after re-allocation by the appropriate authority.

(4) The transfer shall not be allowed to an employee, against whom a judicial or disciplinary proceeding is going on or pending or such proceedings are contemplated or the employee is under suspension.

5. Procedure for submission of application for transfer of own seeking:—

- (1) Every application for transfer under these rules shall be made in Form-I appended to the Schedule, complete in all respects and shall be submitted to the Director of Public Instruction. 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/ Vice Principal/Teacher-in-Charge, as the case may be, of the concerned college as also a self-declaration to the effect that no such application has been made in this regard within the previous six months.
- (2) In the month of January and July every year, every college shall report to the Director of Public Instruction, the vacancy position for both teaching and non-teaching employees along with the authenticated reservation rosters.
- (3) The Director of Public Instruction shall maintain an employee database, in electronic and physical formats detailing the up-to date vacancy position of all employees in respect of all colleges.
- (4) An employee may submit one application for a maximum of 03 (three) choices of such vacant posts as per his preference to be specifically mentioned in the application form. Subsequent change of preference shall not be entertained.
- (5) On receipt of the application, the Director of Public Instruction shall examine the application and identify the suitable post as per the choices given in the form and shall forward the application to the State Government along with his observations.
- (6) The State Government may thereafter, on examination of the merits of each case and subject to feasibility, may effect the transfer of an employee.
- (7) A transfer order issued by the State Government shall be binding upon the college authority from which the employee is transferred and the college authority to which the employee is transferred under these rules. The Commission shall also record the transfer or reallocation of post in this regard.
- (8) In case of transfer under these rules, the authority of the college to which an employee has been transferred shall issue a formal appointment letter and a report confirming his joining in the said college to the Director of Public Instruction. The employee so transferred shall not be required to undergo any probation and his service under the previous employer shall be counted on his transferred posts for all purposes.
- (9) In case of a transfer, the former employer of an employee shall forthwith transfer all service particulars including the balance accumulated in the Provident Fund and other financial dues, if any, to the college where the employee is transferred.
- (10) Grant of transfer under these rules shall preclude an employee from availing the benefit of Mutual transfer.
- (11) Leave with pay for a maximum period of 5 (five) days excluding holiday, if any, shall be granted by the college concerned where the employee will join on general transfer. Claim for financial assistance towards travelling allowance or cost of transportation etc., shall not be admissible to such employee since the transfer has been made of his own seeking.

- (12) If at any point of time, it is found by any of the concerned authorities that the particulars given in the application are not correct or are false or fabricated, appropriate disciplinary and other penal action shall lie against the concerned employee.

6. Eligibility criteria for Mutual Transfer: – An employee shall be eligible for mutual transfer under these rules subject to fulfilment of the following conditions:–

- (1) Mutual transfer may be availed by two employees of different colleges, who have been appointed against the same category of posts in regard to all kinds of employees and in case of teachers, holding a post having same or relevant subjects:

Provided that mutual transfer between Assistant Professor, Associate Professor or Professor teaching the same or relevant subjects is allowed.

- (2) The employees concerned should have rendered at least four years continuous service in their respective colleges and should have been confirmed at their respective places of posting:

Provided that the State Government may, for reasons to be recorded in writing, allow two employees for mutual transfer not completing four years, considering the exigencies of the situation and hardship of the employees on special ground, but under no circumstances, such prayer shall be allowed, if the employee concerned is on probation:

- (3) Mutual transfer shall be made between two employees against whom no judicial or departmental proceeding is pending or is being contemplated, or the employee concerned is on suspension.

7. Procedure for submission of application for Mutual transfer:–

- (1) An employee desirous of mutual transfer under the provisions of these rules shall submit a Joint application to the Director of Public Instruction in Form-II appended to the Schedule.
- (2) The application shall contain the “No Objection and Declaration of the College”, as mentioned in PART-II of Form-II under the signature and seal of the President of the Governing Body or the Administrator, as the case may be, of the concerned colleges.
- (3) On receipt of such application, the Director of Public Instruction shall examine and submit the same to the State Government along with his observations, and the State Government may, subject to feasibility and upon being satisfied, effect mutual transfer of the concerned employees.
- (4) A transfer order issued by the State Government shall be binding upon the college authority from which the employee is transferred and the college authority to which the employee is transferred under these rules. The Commission shall also record the transfer or reallocation of post in this regard.
- (5) In case of transfer under these rules the authority of the college to which an employee has been transferred shall issue a formal appointment letter and a report confirming his joining in the said college to the Director of Public Instruction. The employee so transferred shall not be required to undergo any probation and his service under the previous employer shall be counted on his transferred posts for all purposes.
- (6) In case of a transfer, the former employer of an employee shall forthwith transfer all service particulars including the balance accumulated in the Provident Fund and other financial dues, if any, to the college where the employee is transferred.
- (7) Grant of transfer under these rules shall preclude an employee from availing the benefit of transfer of own seeking.
- (8) The joining leave/time shall not be more than 5 (five) days.
- (9) The salary for the joining leave shall be claimed from the respective colleges where the employees join on mutual transfer.
- (10) No claim for any additional financial benefits like travelling allowance or allowance for transporting belongings etc. shall be made by the employees.

- (11) Grant of Mutual transfer shall be admissible only once during the entire service period of an employee.
- (12) If at any point of time it is found by any of the concerned authorities that the particulars given in the application are not correct or are false or fabricated, appropriate disciplinary action shall lie against the concerned employees.

8. Transfer in public Interest:-

- (1) The State Government may, by order, place the service of an employee on transfer from one college to another, in the interest of public service.
- (2) Every order of transfer made under this rule shall specifically mention the category of posts, subject concerned and a statement of re-allocation of posts, if required.
- (3) The college concerned where the service of an employee is placed on transfer under this rule shall issue a formal appointment letter to the employee concerned and a report to that effect shall be submitted to the Director of Public Instruction forthwith.
- (4) The employee transferred under this rule shall not be required to undergo any probationary or temporary period and his service rendered under previous employer (Transferee College) shall be counted for all purposes.
- (5) The college authority from where the employee is transferred under this rule, shall immediately forward the service particulars of the employee to the college in which the employee's service is placed on transfer.
- (6) An employee transferred under this rule may be eligible for such joining time and such amount of admissible travelling allowances/ transportation cost as are available to the employees of a Government College as per rules made under the West Bengal Service Rules (Part-I), 1971, and the Director of Public Instruction shall reimburse the travelling allowances/ transportation cost on receiving the appropriate bills/claims submitted by the transferee college.
- (7) An employee transferred under this rule shall not be eligible for transfer under the category of his own seeking or mutual transfer within five years from the date of such transfer.

9. Interpretation:-

- (1) The State Government shall have the power to give direction to any college in regard to the implementation of the provisions of these rules, and such directions shall be binding upon the college.
- (2) In case of any confusion or difficulty that may arise in the implementation of these rules, the matter shall be referred to the State Government and the decision of the State Government shall be binding on all concerned.

By Order of the Governor,

Sd/-

(MADHUMITA RAY)

Secretary to the Government of West Bengal.

SCHEDULE**FORM-I****Application for transfer of own seeking****PART-I****(All informations given in the application form should be supported by relevant documents)**

To,
The Director of Public Instruction,
Bikash Bhaban, Salt Lake, Kolkata – 700 091

Subject :- Application for General transfer from _____ College to
_____ College (mention three choices), for teaching/
librarian/ non-teaching (Strike off which is not applicable) post

Sir/Madam,

I, Shri./Smt./Dr. _____,
Son/ Daughter/ Spouse of _____, do hereby apply for general transfer
in terms of the provisions of rule 6 of the West Bengal Colleges (Transfer of Employees) Rules, 2017, and giving the
following particulars:-

1. (i) Name of the applicant : _____
(ii) Present Residential Address : _____
(iii) Permanent Residential Address : _____
2. (i) Name of the post, in which he/she is now working : _____
(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 college where he/she is employed at present : _____
(ii) Address of the College : _____
(iii) Telephone number of the college with STD code: _____
(iv) Category of post held (Unreserved/SC/ST/OBC-A/OBC-B/PWD) : _____
(v) Medium of instruction against which appointment has been made : _____
(vi) Working Shift (Morning/Day/Evening) : _____
4. (i) Date of Birth of the applicant as per service records : _____
(ii) Date of joining the present college : _____
(iii) Date of retirement on superannuation : _____
(iv) Academic qualifications : _____
(v) Working experience : _____
(vi) Research Experience : _____
(vii) Publications : _____
(v) Date and year of the First Recommendation by WBCSC : _____
(vi) Number of attempt availed for change of college : _____
(vi) Details of colleges/Universities/Institutions working previously : _____
5. Subject taught at present : _____
6. The reason, in brief, for seeking transfer : _____

Declaration of the applicant

I, the applicant above-named do, hereby, declare that all the 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 providing wrong informations by the appropriate authority.

I sign this application 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 COLLEGE**

This College has no objection if Sri/Smt.
 designation Subject taught
 is transferred as prayed for and we the undersigned: 1. President, Governing Body/ Administrator of the College and 2. Principal/ Vice Principal/Teacher-in-charge of the college 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 college and no such particulars are incorrect.

*Signature with full name and official seal of the
 President of the Governing Body or Administrator of the College.*

*Signature with full name and official seal of the
 Principal/ Vice-Principal/Teacher-in-charge of the College.*

FORM-II**Application for Mutual Transfer****PART-I**

(All information given in the application form should be supported by relevant documents)

To,
 The Director of Public Instruction,
 Bikash Bhaban, Salt Lake, Kolkata – 700 091

Subject :- Application for Mutual Transfer from _____ College to
 _____ College, for Teaching /
 librarian / Non-teaching (Strike Off which is not applicable) post

Sir Madam.

I, Shri Smt. Dr. _____, Son/ Daughter/
 Spouse of _____, do hereby apply for mutual transfer in terms of
 the provisions of rule 8 of the West Bengal Colleges (Transfer of Employees) Rules, 2017, and giving the following
 particulars:-

1. (i) Name of the applicant : _____
 (ii) Present Residential Address : _____
 (iii) Permanent Residential Address : _____
2. (i) Name of the post, in which he/she is now working : _____
 (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 college where he/she is employed at present : _____
(ii) Address of the College : _____
(iii) Telephone number of the college with STD code : _____
(iv) Category of post held (Unreserved/SC/ST/OBC-A/OBC-B/PWD) : _____
(v) Medium of instruction against which appointment has been made : _____
(vi) Working Shift (Morning/Day/Evening) : _____
4. (i) Date of Birth of the applicant as per service records : _____
(ii) Date of joining the present college : _____
(iii) Date of retirement on superannuation : _____
(iv) Academic qualifications : _____
(v) Working experience : _____
(vi) Research Experience : _____
(vii) Publications : _____
(v) Date and year of the First Recommendation by WBCSC : _____
(vi) Number of attempt availed for change of college : _____
(vi) Details of colleges/Universities/Institutions working previously : _____
5. Subject taught at present : _____
6. The reason, in brief, for seeking such a transfer : _____
7. Name of the Bank with branch and date and Number of the Bank Draft : _____
8. Name of the person with whom mutual transfer is sought for : _____
(Enclose a complete copy of the application of the person, as without this application mutual transfer cannot be processed)
9. Name of the post, in which he/she (referred to para 8) is now working : _____
(for Assistant/Associate/ Professor & non-teaching staff)
10. (i) Name of the College where he/she (referred to para 8) is employed at present : _____
(ii) Address of the College : _____
(iii) Telephone number of the college with STD Code : _____
(iv) Category of post (Unreserved/SC/ST/OBC-A/OBC-B/PWD) : _____
(v) Nature/type of the College : _____
(vi) Status of the college (Govt.-aided/autonomous) : _____
(vii) Medium of instruction against which appointment has been made : _____
(viii) Working Shift (Morning/Day/Evening) : _____
11. (i) Date of Birth of the person with whom mutual transfer is sought for : _____
(ii) Date of joining the present College : _____
(iii) Date of retirement on superannuation : _____
(iv) Academic qualifications : _____
(v) Working experience : _____
(vi) Research Experience : _____
(vii) Publications : _____
(v) Date and year of the First Recommendation by WBCSC : _____
(vi) Number of attempt availed for change of college : _____
(vi) Details of colleges/Universities/Institutions working previously : _____
12. Subject taught at present: _____
(in case of Assistant/Associate/ Professor)

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 false information 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)

*Countersignature of the person with whom
Mutual transfer is sought for*

PART II**NO OBJECTION AND DECLARATION OF COLLEGE**

This College has no objection if Sri/Smt.
designation Subject taught
is transferred as prayed for and we the undersigned: 1. President, Governing Body/ Administrator of the College and 2. Principal/ Vice Principal/Teacher-in-charge of the college 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 college and no such particulars are incorrect.

*Signature with full name and official seal of the
President of the Governing Body or Administrator of the College.*

*Signature with full name and official seal of the
Principal/ Vice-Principal/Teacher-in-charge of the College.*

By Order of the Governor,

Sd/-

(MADHUMITA RAY)

Secretary to the Government of West Bengal.