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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 1097-L.—11th July, 2013.—The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information:—

**West Bengal Act XII of 2013**

**THE WEST BENGAL SCHOOL SERVICE COMMISSION  
(AMENDMENT) ACT, 2013.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 11th July, 2013.]*

*to amend the West Bengal School Service Commission Act, 1997.*

WHEREAS it is expedient to amend the West Bengal School Service Commission Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
IV of 1997.

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

1. (1) This Act may be called the West Bengal School Service Commission (Amendment) Act, 2013.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal School Service Commission  
(Amendment) Act, 2013.*

(Sections 2-4.)

Insertion of new section 10B in West Ben. Act IV of 1997.

2. After section 10A of the West Bengal School Service Commission Act, 1997 (hereinafter referred to as the principal Act), the following section shall be inserted:—

‘General transfer on application. 10B. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible Teacher, make recommendation for placing his service from one school to another school having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible teacher shall be made between two posts of same category of vacancies, posts and subjects in schools with same medium of instruction.

(2) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible non-teaching staff, make recommendation for placing his service from one school to another having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible non-teaching staff shall be made between two posts of same category of vacancies and posts in schools with same medium of instruction.

*Explanation.*—For the purpose of this section, the expression “an eligible Teacher or an eligible non-teaching staff” means a confirmed Teacher, or a confirmed non-teaching staff, who have completed five years of satisfactory service in the post of Teacher or non-teaching staff, as the case may be, and does not include a Teacher or non-teaching staff who shall avail mutual transfer under section 10A after coming into force of this section.’

Amendment of section 8.

3. After sub-section (2) of section 8 of the principal Act, the following sub-section shall be inserted:—

“(3) The Commission shall preserve the documents relating to examination including answer scripts for such period, and in such manner, as may be prescribed.”.

Amendment of section 17.

4. In sub-section (2) of section 17 of the principal Act, after clause (da), the following clause shall be inserted:—

“(db) the proforma of application, the manner and other condition, for general transfer under section 10B;”.

By order of the Governor,

MALAY MARUT BANERJEE,  
*Secy. to the Govt. of West Bengal,  
Law Department.*