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15.03
2022
Ct. No.17

WPA 1568 of 2022

Rinti Mukherjee
Vs.
The State of W. B. & Ors.

Mr. Shuvro Prokash Lahiri
.....For the Petitioner
Mr. Avishek Prasad
.....For the State
Mr. Rajorshi Basu
Mr. Srinath Singha Roy
.....For the Respondent No.6
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the WBCSSC

Affidavit of service filed in court today be kept on record.

The petitioner is directed to file a fresh application for transfer which the school will process immediately.

The petitioner's application has returned back to her on the ground of 10% Rule which is not applicable. She applied for transfer on 05.08.2021 i.e. before the amendment of the General Transfer Rules, 2015. The other reason for sending back the application which is not commensurate with the teacher student ratio. Therefore, I pass the following order:

Both the petitioner and the respondent school have submitted fairly that if the petitioner

makes a fresh application for transfer, the school will process the same immediately.

It has been submitted by the petitioner that the sent back applications and the withdrawn applications of teachers who filed application for transfer are also being counted by the school within the 10% rule of the amended rule of General Transfer, 2015 which is not to be done.

I am also of the same view that the applications of teachers which have been sent back by the authorities to the school and the applications which have been withdrawn, should not be counted for the said 10% rule and the school is directed to take steps keeping in mind this observation and taking immediate steps for forwarding the application to the next higher authority. The entire process in respect of this transfer application is to be completed within a period of two weeks from the date of communication of this order.

The petitioner has the liberty to file a fresh application for transfer.

With the observation and direction above, this writ application stands disposed of.

All parties are directed to act immediately on the basis of a server copy of this order without insisting on a certified copy.

(Abhijit Gangopadhyay, J.)