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26.07.2022
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W.P.A. 2849 of 2022
(Golam Mortoza vs. State of West Bengal & Ors.)

Mr. Ujjal Ray
.... For the Petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.... For the WBCSSC
Mr. Bhaskar Prasad Vaisya
Mr. Suman DEy
.... For the State

The petitioner's application for transfer on medical ground has been refused by the Managing Committee of the School on 24.01.2022. It was returned on the ground that the Madhyamik and Uchha Madhyamik Examinations in the school were in pending, the transfer of the petitioner cannot be considered at this stage. The examinations are over as of now and they should not be any objection for the school to consider the application for transfer.

In that view of the matter, the head of the Institution, Bharatpur Alia High School (H.S.) shall verify the medical condition of the petitioner through the approved medical practitioner of the school and take a suitable decision in accordance with 2015 Rules

within a period of three weeks from the date of communication of a copy of this order.

The ten per cent rule cannot be applied to the petitioner since transfer is sought on medical ground.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)