

16.06.2022.
Item No. 58.
Court No.13
pk

W.P.A. No. 3453 of 2022

**Madhumita Das
Versus
State of West Bengal and others**

Mr. Ujjal Ray

...For the petitioner.

Ms. Chaitali Bhattacharya,
Mr. S. T. Mina

...For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Debey

... For the WBCSSC

Mr. Dwijadas Pattanayak

... for the School Authority.

The petitioner's application for transfer on 'Utasashree Portal' has been returned by the School on the ground that the same is above 10 per cent strength of teachers in the school. The writ petitioner denies the same and submits that her application is only pending.

Counsel for the School submits that the total strength of the teacher is 15 as opposed to the sanctioned strength of 28. The School is really running short of teachers and the petitioner's application cannot be considered.

This Court is of the view that there are some disputes with regard to the 10 per cent rule applied against the petitioner.

The D. I. of Schools, Howrah shall consider as to whether the petitioner's application is in fact barred by ten per cent rule. Due hearing may be given to the

head of the Institution as well as the petitioner by the D. I. of Schools and a decision may be taken by passing a reasoned order within a period of three weeks from date. The decision that may be taken by the D. I. of Schools may be communicated to the parties. However, if it is found that the petitioner is not affected by ten per cent rule, the petitioner's application shall be processed by the D. I. of Schools in terms of the 2015 Rules as amended from time to time.

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

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)