

13-06-2022
ct no. 13
Sl. 95
sp

WPA 3808 of 2022

Biswajit Maity

-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray

....for the petitioner

**Mr. Srinjay Sengupta,
Mr. Partha Sarathi Ray,
Mr. Narattam Acharyya,
Mr. Ankush Ghosh**

.....for the respondent nos. 6, 7 and 8

**Mr. Sutanu Kumar Patra,
Ms. Supriya Dubey**

..for the WBCSSC

Affidavit-of-service filed in Court today is
taken on record.

The petitioner is aggrieved by the rejection
of his application for transfer by the D.I. of
Schools, on the ground that if the petitioner's
application for transfer is considered, the same
would exceed the 10% of the total teaching staff of
the said school.

Counsel for the petitioner submits that the
same is wholly incorrect otherwise the school
would not have forwarded the application to the
D.I. of Schools.

Counsel for the School, however, submits
that the application of the petitioner cannot be

considered since the petitioner has chosen a school at a distance of 53 kilometers from his present place of residence while the existing school also being at a distance of 50 kilometers.

Be that as it may, since the petitioner claims that the calculation of 10% of the total teaching staff is incorrect, the matter be remanded back to the D.I. of Schools for consideration afresh of his application, as to whether the same falls within the 10% of the total teaching staff in terms of Rule 6(d) of the amended notification dated February 27, 2015.

Let the reconsideration as directed be effected within a period of three weeks from date. The impugned order already passed by the D.I. of Schools, shall stand set aside.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall 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.)