

19.07.2022
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NS Ct.13

W.P.A No. 5277 of 2022

Binoy Kumar Mandal
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Ms. Ina Bhattcharya,
Ms. Mithu Singh Mahapatra ... for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee .. for the State.

Dr. Sutanu Patra,
Ms. Supriya Dubey ... for the WBCSSC.

Mr. Arif Ali,
Mr. Arnab Sardar ... for the respondent no.9.

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

The petitioner's application for transfer was
rejected by the school on the ground of pupil-teacher ratio
and the 10% rule.

Since the pupil-teacher ratio is not a ground
recognised under the 2015 Rules for refusing transfer, the
same cannot be a reason for refusing the transfer of the
petitioner. On the question as to whether the petitioner's
case is hit by the 10% Rule, it is mentioned in paragraph
8 of the writ petition that since after transfer of some
teachers, the petitioner is no longer affected by the said
10% rule.

In those circumstances, the Head of the Institution shall reconsider the finding that the petitioner's application is hit by the 10% Rule, particularly in the light of statements made in paragraph 8 of the writ petition.

In the event, as on date of reconsideration, the petitioner's application is not hit by the 10% Rule, the petitioner's case shall be forwarded to the concerned District Inspector of Schools for further consideration in terms of the 2015 Rules mandatory and positively within a period of ten weeks from date. The seniority of the petitioner's application shall be ensured and maintained at the time of consideration.

W.P.A. No.5277 of 2022 is 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.)