

02.08.2022
Court No.13
Item No.165
AP

WPA 8210 of 2022

**Balaka Chatterjee
Vs.
The State of West Bengal and Ors.**

Mr. Ujjal Ray

... For the petitioner.

Mr. Sourav Mitra

..For the WBCSSC.

The learned counsel for the petitioner submits that the petitioner's application has been refused by the head of the Institution by application of the 10 per cent Rule. It is submitted that 10 per cent Rule has been applied, on a miscalculation of the strength of the teachers vis-à-vis the pending applications as on date.

In those circumstances, the petitioner's application for transfer and the application of the 10 per cent Rule shall be revisited by the head of the Institution as on date. Based on the assessment afresh suitable steps shall be taken by the head of the Institution in accordance with the 2015 Rules.

It is clarified that if the strength of teachers in the school is 22, 10 per cent thereof in terms of 2015 Rules would mean 3 teachers and not 2 teachers.

The impugned order shall stand set aside.

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.)