

16.06.2022.
Court No.13
Item No. 68
ap

W.P.A. No. 8682 of 2022

**Mosarof Hossain
Versus
The State of West Bengal & Ors.**

Mr. Suvro Sankha Lahiri,
Mr. Ziaul Islam.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Joydip Banerjee.

...For the State.

Mr. Sourav Mitra,
Mr. Suman Dey.

..For the WBCSSC.

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

The petitioner is aggrieved by rejection of his
application for transfer through the Utsashree Portal
by the School. The petitioner sought transfer on
medical condition of his wife. The head of the
institution, in such a situation, ought to have first
independently verified the medical condition of the
petitioner's wife.

On the contrary, despite the application being
on medical grounds, it was rejected on the ground that
the petitioner's application exceeds 10% on the total
teacher strength of the School.

It is now well settled that for transfer on medical
grounds, the 10% rule shall not apply.

In that view of the matter, the decision of the head of the institution of Barala Ramdas Sen High School is set aside. The matter is remanded back to the head of the institution to verify the medical condition of the petitioner's wife and take suitable steps as prescribed under the Rules of 2015 as amended from time to time thereafter.

With the aforesaid observations, the instant writ petition shall stand 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.)