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28.01.
2022
Ct. No.17

WPA 17733 of 2021

Indranil Roy
Vs.
The State of W. B. & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
.....**For the Petitioner**
Dr. S. K. Patra
Ms. Supriya Dubey
.....**For the SSC**
Mr. Tarak Nath Halder
.....**For the WBBSE**
Mr. Supriyo Chattopadhyay
Mr. Biswarup Biswas
.....**For the State**
Md. Sarwar Jahan
Mr. Maidul Islam Kayal
.....**For the Respondent Nos. 4 & 5**

It has been submitted on behalf of the petitioner that despite he being senior to another teacher, namely, Sampa Senapati in whose favour the no-objection was given, the petitioner was not given no-objection by the school for filing application for transfer to another school which is illegal and incorrect because the seniormost amongst the teachers who would apply for transfer would get the priority.

Today learned advocate for the school has submitted that it is true that Sampa Senapati was given the no-objection but it was by an error because the headmaster took charge of the school very

recently.

I do not find any want of bona fide on the part of the headmaster and I accept the submission. More so because the school has submitted that as the application of Sampa Senapati has come back to the school, there is still chance for the school to give no-objection to another teacher and the school has no-objection in giving the no-objection to the petitioner Indranil Roy. However, the school has been handed over a remark which the school received from Utsasree Portal whereby the headmaster has been given a caution that the quota for sending the transfer application is complete and sending of excess application would be taken by the department very seriously and the head of the institution would face showcause letter from the end of the District Inspector of Schools.

That caution is kept on record.

I find that regarding the 10% Rule the following has been laid down in the General Transfer Rules, 2015”

Rule 5(6): “The school authority of a particular school shall not forward applications received from more than 10% (rounded up to next higher digit) of total number of teachers of that school. Priority shall be given first to the teacher, senior in age.”

Therefore, I find from the above Rule that as

the school has only ten teachers, as has been submitted before me from the Bar on behalf of the school, the school can grant no-objection to only one teacher. Now, this will be the petitioner Indranil Roy as because he is senior in age, as has been submitted by the petitioner and has been fairly accepted by the school.

I direct the school to issue no-objection in favour of the petitioner Indranil Roy immediately so that he can file transfer application for transfer from the present school to another school. The caution given to the Utsasree Portal will not stand in the way as because the school is strictly following Rule 5(6) of the above said Rules by giving the no-objection to only one teacher, i. e., Indranil Roy.

The petitioner has prayed that the District Inspector of Schools should act according to the application to be filed by the petitioner and I also direct the District Inspector of Schools to take further steps in this regard without making any delay in this regard.

With the above observation and direction the writ application is disposed of.

(Abhijit Gangopadhyay, J.)

