

Item-7 14-09-2023

MAT 1165 of 2022
CAN 1 of 2022

sg Ct. 8

The Managing Committee,
Ramganj High School
Versus
Shankar Roy & Ors.

Mr. Ekramul Bari, Adv.
Sk. Imtiaz Uddin, Adv.

...for the respondent no.1

Mr. Rajarshi Basu, Adv.
Mr. K.K. Hossain, Adv.

...for the State

1. The appellant is not represented. We have heard the learned Counsel for the writ petitioner and the State respondents.
2. It appears that the petitioner was senior in age and senior in service compared to Raj Kumar Ghosh, who was transferred. The prayer of the petitioner for transfer was declined on the ground that he was hit by 10% Rule which is not sustainable in view of the facts transpired later on that the Managing Committee was tried to accommodate one Raj Kumar Ghosh, junior to the writ petitioner giving him preference.
3. The learned Single Judge has arrived at a finding that the petitioner is not hit by the 10% Rules. It appears that the learned Single Judge directed the head of the institution to forward the petitioner's application for transfer to the District Inspector of Schools (SE), Uttar Dinajpur, who shall consider the same strictly in terms of 2015 Rules as amended from time to time.
4. We feel that the Managing Committee cannot be aggrieved by the said order as an impartial view in the matter is required to be taken by the District Inspector of School (SE),

Uttar Dinajpur who is the appropriate authority to take a decision in this regard.

5. Under such circumstances, we direct the School Authority to forward the application of the petitioner along with relevant papers offline to the District Inspector of School (SE), Uttar Dinajpur within one week from date for a fresh consideration of the DI.
6. The District Inspector of School (SE), Uttar Dinajpur shall consider the petitioner's application within six weeks from the date of receipt of the application of the petitioner for transfer along with the relevant papers in this regard after giving an opportunity of hearing to the writ petitioner and the School authorities and dispose of the said matter by a reasoned order.
7. While affirming the order of the learned Single Judge, we extend the period aforesaid in view of the pendency of the appeal.
8. This order shall be immediately communicated to the Managing Committee of the School by the learned Advocate for the writ petitioner for compliance.
9. The appeal and the application is accordingly, disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Partha Sarathi Sen, J.)

(Soumen Sen, J.)