

W.P.A. 1028 OF 2025

**Sunita Acharya
Vs.
The State of West Bengal & Others**

Mr. Sudip Ghosh Chowdhury, Adv.
...for the Petitioner

Mr. Dipanjan Datta, Sr. Govt. Adv.
Mrs. Sukanya Datta, Adv.
...for the State

Ms. Supriya Dubey, Adv.
...for W.B.C.S.S.C

Ms. Koyeli Bhattacharyya, Adv.
Mr. Bibek Dutta, Adv.
Ms. Keya Panja, Adv.
...for W.B.B.S.E

In terms of the order dated 13th March, 2025, a report filed by the District Inspector of Schools (S.E.), Purba Bardhaman being respondent no.4 in the form of affidavit, affirmed on 2nd April, 2025, is taken on record.

On perusal of the report, it appears at the material point of time when petitioner applied for transfer there were 26 (twenty-six) teachers working in the school and out of which 4 (four) teachers were permitted to take transfer. It is also disclosed in the report that all together 7 (seven) teachers applied for transfer and petitioner's position was 5th in the list. Therefore, petitioner did not come within the zone of consideration on applying embargo as contemplated under Rule 5(6) of the Transfer Rules of 2015.

In terms of Rule 5(6) of the Transfer Rules of 2015, 10 per cent of the existing teaching strength can

be permitted to take transfer whereas at the material point of time there were 26 (twenty-six) teachers working in the school and 10 per cent of 26 (twenty-six) teachers constitutes 2.6 which is required to be rounded up to next higher digit, that is, 3. School authority permitted 4 (four) instead of 3 (three) teachers to take transfer and petitioner ranked 5th. Therefore, it is found that the decision of the concerned respondent authority is not required to be interfered with since petitioner did not come within the zone of consideration.

Hence, writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer, in accordance with law, in future.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)