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05.03.2025
Ct. No. 18
(ARPAN)

W.P.A. 1850 of 2025

Nabanita Malik
Vs.
The State of West Bengal & Ors.

Mr. Shyamal Kumar Mukherjee
Mr. Susanta Kumar Gangopadhyay
Mr. Arun Kumar Choudhury
Ms. Subhasree Banerjee

...for the Petitioner

Ms. Sharmila Datta Das
Ms. Debarati Sen (Bose)

...for the State

Mr. Sourav Mitra

...for W.B.C.S.S.C

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner being an Assistant Teacher in a
Government aided school has prayed for transfer in
offline mode on medical ground since after an accident
she had undergone an operation as a result whereof she
is finding it difficult to attend the school from her place
of residence by travelling long distance. Petitioner made
offline applications dated 20th December, 2024 and 4th
January, 2025 to the Headmistress of the school for her
transfer but those applications are not made in a
prescribed *pro-forma*.

It has been decided by the Hon'ble Division
Bench *vide* order dated 14th February, 2025 on an *intra-*
court appeal being ***FMA 103 of 2025 (Tanushri***
Karmakar v. State of West Bengal & Ors.) that the
teacher seeking transfer is required to make application

in the prescribed *pro-forma* as provided in the relevant statute.

It has also been observed by the Hon'ble Division Bench in ***Tanushri Karmakar*** (supra) that once a thing is required to be done in a particular manner it should be done in such manner and not otherwise. The moment the form is prescribed in the rules shaping an integral part of the statutory provisions, it cannot be whittled down nor to be done away at the behest of the beneficiary of the said rules nor the other stakeholders of the said rules can dispense with the strict adherence of such statutory norms.

In absence of an application in the prescribed *pro-forma* and in view of the order passed by the Hon'ble Division Bench in ***Tanushri Karmakar*** (supra), no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law for her transfer.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)