

05.08.2025
Court No. 18
Item No. 304 (ML)
(**Suvenu**)

WPA 2305 of 2024

Chandrani Sengupta (Chatterjee)
-Versus-

The State of West Bengal & Ors.

Mr. Bratin Kumar Dey
Mr. Subhankar Banerjee
.....for the petitioner

Mr. Sunit Kumar Roy
...for the WBCSSC

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Learned advocate for the petitioner submits that petitioner made an application for transfer since petitioner was suffering from ailments before the State authorities under the rules which were in vogue at the material point of time. A communication was made by the Secretary, West Bengal Central School Service Commission (for short, "Commission") on 15th January, 2020 addressed to the District Inspector of Schools (SE), North 24 Parganas (Barrackpore) for finding out vacancy in order to transfer the petitioner.

3) However, it has been rightly pointed out by the learned advocate representing the Commission that the procedure which was prevalent at the material point of time is no more applicable at present and applicant-teacher is required to make application in prescribed format before the school authority seeking 'no objection' and thereafter transfer application is required to be forwarded to the concerned District Inspector of Schools (SE) for taking further steps. Final decision is to be taken by the concerned authority of the Commission on transfer application of the applicant-teacher.

4) In this regard reliance is placed on the order dated 14th February, 2025 passed by the Hon'ble Division Bench on an intra-court appeal being **FMA 103 of 2025 (Tanushri Karmakar Vs. The State of West Bengal & Ors.)**. In the order dated 14th February, 2025 it has been succinctly decided by the Hon'ble Division Bench 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.

5) In view of decision in **Tanushri Karmakar** (supra) petitioner is required to file application in prescribed format before the school authority seeking 'no objection' and in the event 'no objection' is accorded same is required to be transmitted to the concerned District Inspector of School (SE) for taking further steps in terms of relevant rules of transfer.

6) Petitioner is granted leave to prefer an application for transfer in prescribed format. If steps are taken by the petitioner by preferring an application in prescribed format seeking transfer, it is expected respondent authorities shall take steps in accordance with law.

7) Writ petition stands disposed of.

8) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

