

W.P.A. 3208 of 2025

**Sovana Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Himadri Sikhar Chakraborty
Mrs. Priyanka Chanda
...for the Petitioner

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

Mr. Sourav Mitra
...for W.B.C.S.S.C

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

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

A prayer is made in the writ petition for transfer
of the petitioner based on offline application dated 30th
December, 2024 made to the Commissioner of School
Education, West Bengal.

Learned advocate representing the petitioner
submits that petitioner is suffering after she had
undergone an operation in February, 2024.

Respondents are represented by learned
advocates who have jointly submitted that the
application dated 30th December, 2024 has not been
made in prescribed *pro-forma*. Therefore, petitioner's
application ought not to be considered.

Having considered the submissions made on
behalf of the parties, this Court finds petitioner did not

make application before the authorities of school where she is presently working as well as to the concerned District Inspector of Schools for processing the transfer application on medical ground. Preferring application before the school authority where the applicant teacher is working is necessary since from the school authority it is transmitted to the concerned District Inspector of Schools (S.E.) for taking further steps on obtaining medical report.

Apart from this, 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 v. State of West Bengal & Ors.)*** wherein it has been held that applicant teacher is required to prefer application in the prescribed *pro-forma* and in absence of such application prayer for transfer cannot be considered by the concerned respondent authorities.

It has 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 view of failure on the part of the applicant teacher to make application in the prescribed *pro-forma* seeking transfer, no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

However, this order shall be 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.)