

11 05.03.2025
rkd Ct.18

W.P.A. 3759 of 2025

Madhumita Roy Chowdhury

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray,
Sk. Abdur Rahim,
Ms. Manishikha Mondal

....for the petitioner.

Sk. Afrojul Haque

....for the State.

Mr. Sourav Mitra

....for the WBCSSC.

Mr. Prithwish Roy Chowdhury

....for the respondent nos.6 to 8.

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

Matter relates to transfer of the petitioner
on medical ground which was made on offline mode
on 6th November, 2024 addressed to the
Headmistress of the school where petitioner is
presently working.

In support of transfer of the petitioner
reliance is placed on a memo dated 28th November,
2024 issued by the Assistant Secretary, West
Bengal Regional School Service Commission,
Southern Region which is addressed to the
Secretary, West Bengal Central School Service
Commission for transfer of the petitioner who is a
Peon of a secondary school.

On perusal of the records, it appears that offline transfer application dated 6th November, 2024 was not made in prescribed proforma as provided in the relevant provisions of transfer Rules.

In this regard, reliance is placed on an order dated 14th February, 2025 passed on an intra Court appeal being *FMA 103 of 2025 (Tanushri Karmakar v. The State of West Bengal & Ors.)*. In the said order Hon'ble Division Bench has succinctly decided 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 can dispense with the strict adherence of such statutory norms.

In the present case transfer Rules prescribe a particular format on which teacher is required to make application seeking transfer. In absence of application for transfer made in that format, no relief can be granted to the petitioner.

Hence, the writ petition stands dismissed.

However, this order shall not preclude the

petitioner to take steps in accordance with law.

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

(Saugata Bhattacharyya, J.)