

12.
(DL)

28.03.2025
Ct. No. 18
(ARPAN)

W.P.A. 5803 of 2025

**Subrata Roy
Vs.
The State of West Bengal & Ors.**

Mr. Gopa Biswas
Mr. Rishabh Ahmed Khan
...for the Petitioner

Ms. Sipra Mazumdar
Ms. Somashree Dey
...for the State

Mr. Sunit Kumar Roy
...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.

Petitioner made an application for transfer in
2022 which was sent back to him since there was no
vacancy in the preferred schools which were indicated in
the transfer application.

It is submitted on behalf of the petitioner that he
was intimated on 10th May, 2022 that there was no
vacancy in the preferred schools which prompted him to
make another offline application on 12th February, 2025
after a period of nearly three years.

Petitioner prays for necessary direction for
consideration of his offline application dated 12th
February, 2025 which needs to be treated in continuity
of his previous transfer application which was made in
2022.

Such submission made on behalf of the petitioner is opposed by the learned advocates representing the West Bengal Central School Service Commission and State respondents and it is contended that the transfer application which was made in 2022 was disposed of and petitioner could have made online application for transfer through Utsashree portal within the life time of the portal. Once that was not done, petitioner has no right to be considered for transfer.

Having considered the respective submissions made on behalf of the parties, this Court finds that it is true that petitioner made an application for transfer in 2022 but due to absence of vacancy in preferred schools, prayer for transfer of the petitioner could not be considered and said transfer application was disposed of. Subsequently, petitioner made another application for transfer in offline mode on 12th February, 2025 and on perusal of same it appears that this is not in prescribed form. In this regard reliance is placed on the order of Hon'ble Division Bench dated 14th February, 2025 passed on an *intra*-court appeal being **FMA 103 of 2025 (Tanushri Karmakar v. State of West Bengal & Ors.)**.

In **Tanushri Karmakar** (supra) it has been observed 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.

In absence of transfer application in prescribed form, 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, seeking 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.)