

W.P.A. 5806 of 2025

Priyanka Ghosal
Vs.
The State of West Bengal & Ors.

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

Mr. Dipanjan Datta, Sr. 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.

Petitioner has made an application for transfer
on medical ground on 21st January, 2025 in offline mode.
Prayer is made for consideration of such transfer
application by the concerned respondent authorities.

Such prayer is opposed by the learned advocates
representing the respondent authorities since issue is
already decided by the Hon'ble Division Bench *vide* order
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
decided by the Hon'ble Division Bench that applicant
teacher is required to file transfer application in
prescribed form in terms of the relevant statutory rules

failing which consideration of said transfer application cannot be made.

On perusing the transfer application of the petitioner dated 21st January, 2025 which is at page 34 of the writ petition, it appears that transfer application was not made in prescribed form. Therefore, the issue is covered by the order of the Hon'ble Division Bench dated 14th February, 2025 passed in ***Tanushri Karmakar*** (supra) wherein 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.)