

17.03.2025
Court No. 18
Item No. 16
(**Suwendu**)

WPA 28532 of 2024

Samir Sardar
-Versus-

The State of West Bengal & Ors.

Mr. Sourav Mondal
Mr. Abhirup Halder
Mr. Arijit Bhuiya
Mr. Rony Mondal

.....for the petitioner

Mr. Malay Krishna De
Ms. Barnali Gupta

.....for the State

Mr. Sourav Mitra

...for the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

....for the WBBSE

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

Petitioner has prayed for transfer from his
present school based on off-line transfer
application dated 9th November, 2024.

On perusal of transfer application, it is
found that same has not been preferred in
prescribed proforma.

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.

Since application seeking transfer has not been made in prescribed proforma as provided under the relevant Rules, no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps for transfer in accordance with law.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)