

1402
2025

FRIDAY

Court : 08
Item : DL-31
Matter : FMA
Status : DO
Bench ID : 266291
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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 103 OF 2025
CAN 1 OF 2025

TANUSHRI KARMAKAR
Vs.

THE STATE OF WEST BENGAL & ORS.

MR. SHUVRO P. LAHIRI, ADVOCATE
MR. RAJESH NASKAR, ADVOCATE
MR. ANKUR MONDAL, ADVOCATE

.....for the Appellant

MR. SUPRIYO CHATTOPADHYAY, ADVOCATE
MS. SAYANTANEE BHATTACHARJEE, ADVOCATE

.....for the State

MR. SUNIT KUMAR ROY, ADVOCATE

.....for the SSC

1. The writ petition challenging the order passed by the competent authority rejecting the application for transfer stood dismissed by the Single Bench.
2. Before entering into the merit of the case, we find that there is a prescribed form and the same is defined under Rule 2(e) of the said Rules to mean the forms appended to this Rules. Such form is duly prescribed and appended to the aforesaid Rules and, therefore, assumes an integral part of the said Rules to be strictly adhered to.
3. According to the Counsel for the School Service Commission, the applications were made not in the prescribed form but in the form of a letter, which is impermissible under the said Rules.
4. Though the aforesaid point does not appear to have been taken before the Single Bench, but as a pure question of law based on the admitted materials, we permitted the Counsel to take the said point, as it strikes at the root of the matter as well as entitlement of the petitioner/appellant to have the application for transfer to be considered in a manner as sought to be contended before this Court.

5. We are conscious of the proposition of law 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.
6. The application does not appear to have been filed in the prescribed form appended to the said Rules and, therefore, it is not obligatory on the part of the authority to treat the same as valid. From such additional point, we find that the application filed by the petitioner/appellant for transfer does not deserve to be entertained by the authority but not in conformity with the provisions of the said Rules and, therefore, we do not find any infirmity in the order of the Single Bench for dismissing the writ petition. The appeal and the connected application being CAN 1 of 2025 are disposed of.
7. However, it is open to the petitioner/appellant to make a fresh application for transfer in the prescribed form and in such event the authority will take a conscious decision as permissible in law.

(HARISH TANDON, J.)

(PARTHA SARATHI CHATTERJEE, J)

