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MAT 1994 of 2025
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IA No.: CAN 1 of 2024
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IA No.: CAN 2 of 2025
Goutam Mandi & Another
- Versus -
The State of West Bengal & Others

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Pritha Biswas
... for the Appellants.
Mr. Saibal Acharya,
Ms. Sanchayita De
... for the State/Respondents.
Mr. Sunit Kr. Roy
... for the WBCSSC.

IA No.: CAN 1 of 2024

Upon hearing the learned Advocates appearing for the respective parties and upon perusal of the materials on record, we are satisfied with the explanation offered for the delay in preferring the present appeal.

Accordingly, the delay is condoned, and the application being IA No. CAN 1 of 2025 is disposed of.

MAT 1994 of 2025
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IA No.: CAN 2 of 2025

The present intra-court appeal is preferred against the order dated 22nd September 2025 passed in WPA 20208 of 2025, whereby the writ petition was dismissed.

The writ petitioners/appellants herein made applications for transfer on mutual grounds online. Accordingly, the data were filled in by them. However, no objection and declaration from their respective schools was uploaded, as there was no specific column for the same at the time of submitting those applications. Subsequently, both appellants approached this Hon'ble Court, citing inaction on the part of the concerned respondent/authority in considering their applications for transfer on mutual grounds.

The impugned order reveals that, in the absence of no-objection certificates and declarations from their respective schools, the applications submitted by the petitioners were not processed by the West Bengal Central School Service Commission. The learned Single Bench declined to exercise discretion in their favour on the ground that submission of such no-objections and declarations from the schools concerned is mandatory.

Mr. Ghosh Chowdhury, learned Advocate representing the appellants, attempted to convince us that no objection and declaration from the schools is required to be submitted if the application is made offline.

Per contra, Mr. Roy, learned Advocate representing the Commission, submits that there is a legislative mandate, as incorporated in sub-Rule (2) of Rule 4 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 (hereinafter referred to as the 2012 Rules), requiring the submission of a no-objection and declaration from the school,

as mentioned in PART-II of the Form, under the signature and seal of the Secretary, Managing Committee, or Administrator of the School, and the Head Master, Head Mistress, or Teacher-in-Charge, as the case may be. He submits that the Commission cannot be directed to act contrary to such legislative mandate.

Heard the learned Advocates appearing for the respective parties and perused the materials on record.

Admittedly, if the legislature directs a matter to be done in a particular manner, it must be done in that manner or not at all. Since Rule 4(2) of the 2012 Rules requires the submission of a no-objection certificate and declaration from the school, such requirement cannot be ignored.

However, considering the facts and circumstances of this case, we dispose of the appeal and the application for stay, being IA No. CAN 2 of 2025, by modifying the order impugned to the effect that the Commission shall consider the appellants' applications for transfer on mutual grounds after affording an opportunity of hearing to the appellants/writ petitioners. At the time of such hearing, they shall produce the no-objection certificate and declaration from their respective schools.

In the event that the no-objection certificate and declaration from their respective schools are produced, their applications shall be considered in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)