

FMA 211 of 2026
with
IA No. CAN 1 of 2026
(Obaidur Rahaman Vs. The State of
West Bengal & Ors.)

Mr. Sudipta Dasgupta
Mr. Sondwip Sutradhar
... For the appellant

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Sourav Mitra
..... For the State respondents

Md. Sarwar Jahan
Sk. Nayeemul Hoque
..... For the DPSC, Murshidabad

The present appeal has been preferred challenging an order dated 15th January, 2026 passed by the learned single Judge in a writ petition being WPA 17225 of 2025 which was preferred by the writ petitioner/appellant herein, namely, Obaidur Rahaman (in short, Obaidur) challenging an order of transfer dated 22nd July, 2025.

Records reveal that Obaidur was initially appointed as an assistant teacher in No. 29, Ranipur Primary School under Farakka Circle by the District Primary School Council, Murshidabad (in short, the said Council) *vide* memo dated 7th September, 2005. He was thereafter appointed as Head Teacher of 57 Muskinagar Primary School under the Farakka Circle (in short, the said school) by the said Council *vide*

memo dated 8th June, 2010 and since then he was working as the Head Teacher of the said school till an order of transfer was issued *vide* memo dated 22nd July, 2025.

Mr. Dasgupta, learned advocate appearing for Obaidur argues that the impugned order has been passed being oblivious of the fact that on the date of issuance of the impugned order of transfer, there was no existence of the said Council and that as such the said order of transfer is a nullity.

He further submits that a perusal of the order of transfer would reveal that the same has been issued by the Chairman of the said Council in his individual capacity. Under the relevant rules, the Chairman does not enjoy any such jurisdiction.

He contends that a perusal of the order of transfer would reveal that the same has been issued on the basis of allegations levelled against Obaidur. However, during the entire tenure of his service in the said school as Head Teacher, no disciplinary proceeding had been initiated and there was no complaint against him. Suddenly the order of transfer was issued incorporating certain allegations which are absolutely unfounded and without granting any opportunity to the appellant to deal with the allegations. In view thereof, the order of transfer is punitive in nature. Such arguments, as urged, were

glossed over by the learned single Judge and no finding was returned on the same.

Drawing our attention to the averments made in the supplementary affidavit, as filed in course of hearing of the present appeal, Mr. Dasgupta submits that in compliance with the order of transfer, Obaidur has joined the transferred post which exhibits his *bona fide*. However, the said Council during the pendency of the appeal is taking steps to fill up the post of Head Teacher in the said school, as would be explicit from the notification dated 30th January, 2026. Let the supplementary affidavit, as filed, be kept on record.

Mr. Jahan, learned advocate appearing for the said Council, however, denies and disputes the contention of Mr. Dasgupta and submits that there was no pleading in the writ petition as regards non-existence of the said Council on the date of issuance of the order of transfer.

Drawing our attention to the contents of the order of transfer, he submits that it would be explicit therefrom that the order of transfer was issued taking into consideration a memo dated 18th April, 2022 issued by the Sub-Inspector of Schools, a memo dated 30th June, 2025 issued by the Block Development Officer, Farakka Office and a memo dated 11th February, 2025 issued by the District

Magistrate pertaining to mismanagement of the said school and irregularities in conducting the mid-day meal programme. The people of the locality were also agitating against such mismanagement. In the backdrop of such state of affairs and to ensure smooth functioning of the school, Obaidur was transferred. Such decision was taken in the interest of primary education and as such, the learned single Judge rightly refused to interfere with the same.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The contents of the order of transfer need to be considered together and not in isolation. A particular clause cannot be picked up and highlighted. The said order has been signed by the Chairman and the Secretary of the said Council and as such it cannot be urged that the Chairman in his individual capacity has issued the said order. The argument of Mr. Dasgupta as regards non-existence of the said Council on the date of issuance of the order of transfer has also been rightly discounted in view of the fact that there was no pleading to that effect in the writ petition. The third argument of Mr. Dasgupta that the said transfer order was a punitive one is also not acceptable inasmuch as there were specific complaints against Obaidur from the end of the Sub-

Inspector of Schools, the Block Development Officer and the District Magistrate. To ensure smooth functioning of the said school and in the interest of primary education, the order was passed and in the said conspectus, the learned single Judge rightly refused to exercise discretion in favour of Obaidur.

Upon dealing with the factual issues, the learned single Judge has rightly arrived at specific findings and we do not find any infirmity in the same warranting interference in the present appeal.

Accordingly, the present appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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