

15.01.2026
Sl. No.16
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 17225 of 2025

**Obaidur Rahaman
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Sondwip Sutradhar
Ms. Suryatapa Das

...for the Petitioner.

Md. Sarwar Jahan
Sk. Nayeemul Hoque
Ms. Tapati Sarkar

...for the DPSC, Murshidabad.

1. Affidavit-in-opposition filed on behalf of the respondent no.4, the Chairman, District Primary School Council, Murshidabad is taken on record.
2. Learned Advocate for the petitioner seeks not to file any affidavit-in-reply against the affidavit-in-opposition filed by the respondent no.4.
3. By the present writ petition, the petitioner seeks for setting aside and/or cancellation/withdrawal of the order of transfer dated 22nd July, 2025 issued by the Chairman, District Primary School Council, Murshidabad.
4. The petitioner contends that he was initially appointed as an Assistant Teacher in No.29, Ranipur Primary School under Farakka Circle by the District Primary School Council, Murshidabad vide Memo No.3348(02)-GN/01 dated 7th September, 2005. Subsequently, the

petitioner was appointed as a Head Teacher of 57 Muskinagar Primary School under Farakka Circle by the District Primary School Council, Murshidabad vide Memo No.843(27)/3 dated 8th June, 2010. The petitioner joined in the said school on 1st July, 2010 and started discharging his duties as a Head Teacher. By dint of Memo No.1617/15 dated 22nd July, 2025 the petitioner received transfer order issued by the Chairman, District Primary School Council, Murshidabad. Although the transfer order contains several allegations levelled against the petitioner, however, neither any show-cause nor any disciplinary proceeding was initiated against the petitioner. Further, the transfer order is absolutely without jurisdiction. The Chairman, District Primary School Council, Murshidabad has exceeded its jurisdiction in passing such order of transfer. The Chairman of the District Primary School Council has no power to issue transfer orders unilaterally. It is the Council which has power to decide and transfer a teacher under it. Being aggrieved by such action on the part of the respondent authorities, particularly respondent no.4, the Chairman, District Primary School Council, Murshidabad, the petitioner has preferred the present writ petition seeking for setting aside of the impugned order of transfer.

5. Mr. Sondwip Sutradhar, learned Advocate appearing on behalf of the petitioner submits that the allegations

levelled in the order of transfer against the petitioner has never laid to issuance of any show-cause notice or disciplinary proceeding against the petitioner. The Chairman, District Primary School Council, Murshidabad has unilaterally issued the transfer order which ought to have been issued by the Council. Relying on the decision of the Hon'ble Division Bench of this High Court passed in *Dipika Bala Biswas – versus- State of West Bengal (MAT 3 of 2022)*, he submits that the existing Rules authorise only the Council to take a decision with regard to transfer of teacher or head teacher. Furthermore he submits that the District Primary School Council, Murshidabad did not exist on the date when the transfer order was issued. In light of his aforesaid submission, he prays for setting aside of the impugned order of transfer dated 22nd July, 2025.

6. On the contrary, Mr. Md. Sarwar Jahan, learned Advocate representing the District Primary School Council, Murshidabad, at the very outset, submits that no case has been made out by the petitioner in the writ petition challenging the existence of the District Primary School Council, Murshidabad. He indicates from the impugned order itself that the said order has been passed taking into consideration the allegations received by the Council and that the order would show that the Chairman, District Primary School Council, Murshidabad though has signed the order but the

same has been passed by the Council and not unilaterally by the Chairman. Moreover, the said order has also been signed by the Secretary of the District Primary School Council, Murshidabad. Therefore, the argument advanced on behalf of the petitioner is not sustainable in such regard. Referring to the affidavit-in-opposition he indicates several complaints against the petitioner have been received from different corners like Prodhan of the locality, Block Development Officer, Farakka Block, Sub-Inspector of Schools, Farakka Circle and even from the District Magistrate, Murshidabad regarding the irregularities in conducting midday meal programme resulting in undermining of the authorities and mismanagement of the school. The Sub-Inspector of Schools has also forwarded a letter to the Chairman, District Primary School Council, Murshidabad seeking permission to initiate the disciplinary proceeding against the teacher, the petitioner herein. However, in order to give an opportunity to the concerned teacher to mend his ways such disciplinary proceeding has not been initiated against him and only a transfer order has been issued by the Council, which does not call for any interference.

7. Having heard the learned Advocates for the respective parties, the only issue which falls for consideration is whether the impugned order passed by the Chairman,

District Primary School Council, Murshidabad is sustainable in the eye of law or not.

8. In order to examine the aforesaid, the impugned order is reproduced as hereunder:

“ Several allegations have been received by the council from different corners against Obaidur Rahaman Head Teacher of Muskinagar Primary school under Farakka Circle regarding vast irregularities in conducting mid-day meal programme and his undermining attitude towards authority which vitiated the environment of the school. He never mend himself. Now the people of the locality as well as the guardians are vigorously agitating against him for his mismanagement of school works assigned upon him resulting poor academic standards of the school and the local authorities lodged complain before the council. The district administration is also aware of such facts.

The Council cannot sit tight over the matter where the educational environment of a school is being hampered due to such attitude and activity of a teacher.

Therefore, in the interest of the primary education of the district as well as for the betterment of the little children of the school, under RULE 4(a) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 with up to date amendment on administrative ground, Obaidur Rahaman Head Teacher of Muskinagar Primary School, Farakka Circle is hereby transferred to 70 PILKI PRIMARY SCHOOL under SAGARDIGHI Circle as Head Teacher of the school.

The order will take immediate effect.

All concerned to act accordingly.”

9. At the first instance upon going through the aforesaid order it is found that the same has been signed by the Chairman as well as Secretary, District Primary School Council, Murshidabad. The order records that several allegations have been received by the Council from different corners against the Head Teacher, the petitioner herein. It also notes that the Council cannot sit tight over the matter where the educational environment of a school is being hampered due to

attitude and activity of the teacher concerned. Thus, the language of the order goes to show that the decision has been taken by the Council collectively and not unilaterally by the Chairman.

10. In *Dipika Bala Biswas (supra)* the challenge was on the ground that the Chairman of the concerned Council has no authority and jurisdiction to issue order of transfer. Upon going through the order which was impugned in the said appeal, it is found that there is no mention of Council in the said order of transfer, which is patently different and distinguishable from the present case. As such the ratio of the aforesaid decision does not apply to the facts and circumstances of the present case.

11. So far as the issue regarding existence of the District Primary School Council, Murshidabad is concerned, it has been rightly argued on behalf of the DPSC, Murshidabad that there is no such pleading raising issue with regard to non-existence of the District Primary School Council, Murshidabad on the date of issuance of transfer order. Further, in the affidavit-in-opposition it has been categorically stated that several allegations have been received against the petitioner from different corners as well as from the District Magistrate, Murshidabad, which has not been disputed by the petitioner by way of any reply.

12. In view of the above discussion, the impugned order does not call for any interference.

13. Accordingly, the writ petition being **WPA 17225 of 2025** stands dismissed.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)