

04.08.2025
Ct. 42
M/L 37
ab

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

WPA 23512 of 2023

**Prasenjit Mandal
-Vs-
The State of West Bengal & Ors.**

Mr. Radhasyam Maiti,
Mr. Manorajan Jana

... for the petitioner

Mr. Jahar Datta,
Mr. Saikat Sen

... for the State

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

Report in the form of affidavit filed by the State is
also taken on record.

This writ petition is filed seeking direction upon
the respondent authorities, particularly, the respondent
no. 4 to take steps for inter-district transfer of the
petitioner as per the application of the petitioner dated
7th June, 2019 and letters dated 24th July, 2019 and
20th August, 2019 forwarded by the Block Development
Officer, Pathar Pratima, respondent no. 6 (Annexures P-
5 and P-6 of the writ petition).

The petitioner contends that he is an Executive
Assistant of Banashyam Nagar Gram Panchayat. The
petitioner applied for inter-district transfer on the

ground of illness of his family members before the respondent no. 3, Commissioner of Panchayat & Rural Development on 7th June, 2019. The respondent no. 6, Block Development Officer, Pathar Pratima forwarded the prayer for transfer made by the petitioner to the District Panchayat & Rural Development Officer, South 24 Parganas, respondent no. 5. Since no steps were taken, the petitioner moved the writ petition being WPA 7558 of 2023. The said writ petition was disposed of on 5th April, 2023 with the following directions:

“The writ petition is disposed of with a direction upon the Commissioner, Panchayats and Rural Development Department, Government of West Bengal to dispose of the representation of the petitioner seeking transfer to any location closer to his residence at village-Khargram”.

Pursuant to such order, the Commissioner of Panchayats, West Bengal, Directorate of Panchayats & R.D, respondent no. 3 on 11th August, 2023 passed the following order:

“It was brought to the notice of the petitioner and his Ld. Advocate that this Directorate does not have any discretionary power to exercise in this regard in the absence of clear recommendation of the Appointing Authority being a statutory requirement in terms of the provisions. Rule 52(5) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, as amended while authorising Director of Panchayats & Rural Development, W.B for inter-district transfer clearly stipulates that, transfer from one district to another may be made, if specifically recommended by the respective Executive Officer of the concerned Zilla Parishad. As such, role of the Director of Panchayats & Rural Development is virtually functus officio in effecting inter-district transfers without the recommendation of the Appointing Authority in cases of inter-district transfer.

On careful perusal of all the relevant fact, documents and extant provisions/orders reveal that the prayer of the petitioner seeking inter-district transfer cannot be entertained from this Directorate in the present shape in the absence of clear recommendation of the respective Appointing Authority being the Executive Officer, Zilla Parishad and District Magistrate, South 24 Parganas. The Appointing Authority was constrained not to recommend the application in the larger public interest. Without clear recommendation of the Appointing Authority, the Director of Panchayats & Rural

Development has no over-riding power to issue inter-district transfer order being circumscribed by statutory limitations.”

Upon bare reading of the order passed by the respondent no. 3 dated 11th August, 2023, it manifests that the authority could not entertain the prayer of the petitioner seeking inter-district transfer since the recommendation as required under the provisions of Rule 52(5) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 by Executive Officer, Zilla Parishad and District Magistrate, South 24 Parganas was absent.

Accordingly, the writ petition being **WPA 23512 of 2023** is disposed of by directing the respondent no. 4, District Magistrate, South 24 Parganas and Executive Officer, South 24 Parganas Zilla Parishad to decide on the aspect of recommendation pertaining to the prayer of the petitioner for inter-district transfer made in his application dated 7th June, 2019 in accordance with law within a period of four weeks from the date of communication of this order. The decision as above shall be communicated to the appropriate authority for further action, if any.

The learned Advocate for the petitioner is directed to communicate this order along with copy of his application dated 7th June, 2019 to the respondent no. 4, District Magistrate, South 24 Parganas and Executive Officer, South 24 Parganas Zilla Parishad for necessary compliance.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

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.**)