

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 830 of 2025

**Sk Nazmul Haque & Ors.
Versus
The State of West Bengal & Ors.**

For the petitioners : Mr. Partha Sarathi Bhattacharya, Sr. Adv.,
Mr. Raju Bhattacharya,
Md. Abdur Rakib,
Mr. Majahid Mehedi,

For the State Mr. Tapas Kumar Adhikari,
Mr. Bishnupada Jana,

For the Municipality : Mr. Saikat Chatterjee

Heard on : 21.04.2026

Judgment on : 21.04.2026

Raja Basu Chowdhury, J (Oral):

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to rescind, cancel and/or withdraw the Memoranda dated 4th December, 2024, 23rd May, 2023, 28th November, 2023 and 29th August, 2022 issued by the respondents and also for direction commanding the respondents to grant approval to the appointment of the petitioners to the post of Mazdoor.

2. The petitioners claim to have participated in the selection process initiated by the Suri Municipality for the post of Majzdoor in terms of the Government notification dated 26th September, 2019 issued by the Director of Local Bodies, West Bengal wherein seven (07) posts for Clerk and ten (10) posts for Mazdoor, in total 17 sanctioned vacant posts were required to be filled up by the Municipality in accordance with the provisions laid down in the West Bengal Municipal Employees' (Recruitment) Rules, 2005 (hereinafter referred to as "the said Rules") as amended and other relevant Government orders including roster for reservation. The petitioners claim to have come across to the aforesaid recruitment process from the news paper publication notified by the Chairman Suri Municipality in a local daily being Employment Notice dated 8th February, 2020. According to the petitioners, the petitioner no. 1 stood first in the OBC-A category for the post of Mazdoor while the petitioner nos. 2, 3 & 5 succeeded in securing the second, third & fourth position respectively, for the post of Mazdoor in the unreserved category. Insofar as the petitioner no. 4 is concerned, he was also selected to the post of Mazdoor under Schedule Caste category as rank one and petitioner no. 6 was selected under unreserved ex-serviceman as rank one, for the post of Mazdoor. Accordingly, on the basis of a resolution adopted by the Municipality on 28th July, 2021, it was resolved that the names of the selected candidates for the post as noted therein be sent to the

Director of Local Bodies, Government of West Bengal for obtaining prior approval as per section 54(3) of the West Bengal Municipal Act, 1993 (hereinafter referred to as the “said Act of 1993”)

3. Initially however, the petitioners were unaware with regard to the outcome of the selection process and, as such, the petitioners had approached this Court by filing a writ petition which was registered as WPA 26062 of 2022. By an order dated 13th November, 2024, a Co-ordinate Bench of this Court had disposed of such petition with a direction upon the concerned respondent to communicate the decision as regards the outcome of selection process to the petitioners.
4. Records would reveal that by an office Memo dated 4th December, 2024, the Director of Local Bodies and Ex-officio Special Commissioner, Department of UD & MA had intimated the petitioners that the recruitment process stood cancelled vide the G.O. dated 29th August, 2022 of the UD and MA Department, Government of West Bengal. To morefully appreciate the same the relevant communication is extracted hereinbelow:-

55-

Annexure P/11
Phone: (033) 2359-3437 DL (Ch.)
2337-0068 DLB (IOSMS)
e-mail: dlbwb.kol@gmail.com

Government of West Bengal
DIRECTORATE OF LOCAL BODIES
POURA PRASASHAN BHAVAN, (3rd & 4th FLOOR)
DD-I, SECTOR-I, BIDHANNAGAR, KOLKATA - 700 064

No. 153/DLB-15013(16)/1/2022-SEC(DLB) -DLB Dated, the 4th December, 2024

From: Director of Local Bodies, West Bengal

To: The Chairman,
Suri Municipality
P.O- Suri,
Dist- Birbhum.

Sub: Regarding approval of appointments to the post of "Mazdoor" under Suri Municipality.

Ref: W.P.A No. 26062 of 2022, Sk. Nazmul Haque & Ors -Vs- Suri Municipality & Ors.

Sir,

In reference to the order of the Hon'ble High Court, Calcutta, dated 13.11.2024 this is to inform you that the recruitment process for which the petitioners have filed this court case was cancelled long ago under the purview of G.O No. 344-UDMA-25011(11)/108/2022-LSG SEC dated 29.08.2022 of the UD & MA Department, Govt. of West Bengal. And the same was communicated to you vide this office memo no.651/DLB/15013(16)/1/2022-SEC(DLB)-DLB dated 23.05.2023 read with "CORRIGENDUM" letter vide memo no. 1539/DLB/15013(16)/1/2022-SEC(DLB)-DLB dated 28.11.2023.

Now, in compliance of the order of the Hon'ble High Court, Calcutta dated 13.11.2024 the above letters regarding cancellation of recruitment process are enclosed herewith for information and taking necessary action.

Endo:- As stated.

Yours faithfully,
Boyer
Director of Local Bodies, West Bengal
&
Ex-officio Special Commissioner, Deptt. of UD&MA

Annexure..... P/11
To in paragraph..... 17
Foregoing Affidavit affirmed
By..... *Sk. N. Baranne*
in this..... *January 2025*
Committee of Affidavit
High Court, Appellate Side
Calcutta

5. Mr. Bhattacharya, learned Senior advocate representing the petitioners challenging the aforesaid memorandum has drawn the attention of this Court to the Memorandum dated 29th August, 2022 issued by the Principal Secretary to the Government of West Bengal which has incidentally been highlighted in the letter dated 4th December, 2024, as the basis for cancellation of the selection process, and would submit that the aforesaid Governmental order dated 29th August, 2022 could not have interfered with the selection

process initiated by the respondents on the basis of the Governmental order dated 26th September, 2019. According to him, the West Bengal Municipal Service Commission Act, 2018 (hereinafter referred to as the “said Act”) which was notified on 13th September, 2018 does not provide for selection of Mazdoors, the same is only confined to appointment of the categories of the staff of the Commission and for recruitment of the staff of Municipalities, ULBs, Municipal Corporation, Notified Area Authorities, Industrial Township as also establishment of different Organizations under Urban Development and Municipal Affairs Department, as may be prescribed. The Government prescribed the categories of posts much later through the West Bengal Municipal Service Commission (Terms and conditions of service of the Chairman and other Members, appointment and the function) Rules, 2022 (hereinafter referred to as the “2022 Rules”). He has also drawn the attention of this Court to the order dated 2nd January, 2025 passed by Division Bench of this Court in WPA(P) 428 of 2025 and would submit that the notification referred to therein based on which the Hon’ble Court directed the Government to issue appropriate orders for appointment of all personnel of Urban and Local and Development Bodies to be made by the West Bengal Municipal Service Commission is dated 9th January 2019, the same has to be read as a general direction since, the said 2022 Rules on such date was yet to be framed or for that matter, the posts and services in the

establishment of the Urban Local Bodies etc., for selection by the Commission, was yet to be prescribed. According to him the said letter dated 9th January, 2019, cannot interfere with the rights of either of the Government, or the Municipality to initiate and conclude the recruitment process which has been initiated prior to the said 2022 Rules being framed. Additionally, by referring to the order dated 3rd March, 2025 issued by the Special Secretary to the Government of West Bengal, whereby the Government having regard to the above order dated 2nd January, 2025 passed in WPA (P) 428 of 2024 had while reiterating its earlier communication dated 9th January, 2019 notified that all recruitment of personnel in the establishment of Urban Local Bodies etc. shall be made by the Commission was limited to category 'A', category 'B' and category 'C' posts only and did not include category 'D' posts.

6. Independent of the above, Mr. Bhattacharya has also relied on the Development Authority (Recruitment and Promotion) Rules, 2019 (hereinafter referred to as the "2019 Rules") which has been framed in exercise of the powers conferred under the West Bengal Town and Country (Planning and Development) Act, 1979, to highlight that the Group-D posts are a separate category of post which are required to be filled up by the Selection Committee, the constitution whereof, has been provided in Rule 5 of the said 2019 Rules. According to him there is no irregularity in the procedure adopted either by the Government or by the Municipality in recruiting the

petitioners. The petitioners having become successful on the basis of a recruitment process initiated by the Municipality at the instance of the State prior to the 2022 Rules being framed, cannot be denied the benefits thereof.

7. The Municipality is represented and supports the petitioners' cause.

On the other hand, the learned advocate for the State by placing before this Court the communication dated 30th March, 2026 would submit that the petitioners are not entitled to the benefit of the recruitment notification dated 26th September, 2019 having regard to the Government notification dated 29th August, 2022. According to him though a limited exception was provided in respect of cases where approval for filling up of posts was granted from January, 2020 onwards as the recruitment process was delayed due to the pandemic, such exception cannot extend to the petitioners.

8. Having heard the learned advocates appearing for the respective parties, I find that in the instant case, the petitioners had been successful in a selection process initiated by the Municipality with the concurrence of the State. To morefully appreciate the above, the relevant sanction accorded by the Director of Local Bodies, West Bengal to the municipality for filling up the post vide order dated 26th September, 2019 is extracted hereinbelow:-

Government of West Bengal
DIRECTORATE OF LOCAL BODIES
 Foura Prashasan Bhawan (3rd & 4th Floor),
 DD-1, Sector - I, Salt Lake City,
 Kolkata - 700064

No. 1099 /DLB/B-201/15-25/2018 Dated, Kolkata, the 26th September, 2019.

From: The Director of Local Bodies, West Bengal
 &
 Commissioner, U.D. & M.A. Department

To: The Chairman,
 Suri Municipality,
 P.O. Suri, Dist. Birbhum.

Sub: Permission for filling up of sanctioned vacant posts under Suri Municipality
 Ref: Your no. 509/SM dt. 04.06.2019

.Sir,

With reference to above, permission is hereby accorded for filling up the following 16 (sixteen) sanctioned vacant posts under Suri Municipality.

Sl No.	Name of Post	No. of Post	Remarks
1.	Clerk	07	50% of the posts are to be filled up through Municipal Service Commission
2.	Mazdoor	10	
	Total	17	

The aforesaid posts are to be filled up strictly in accordance with the provisions as laid down in the West Bengal Municipal Employees' (Recruitment) Rules, 2005, as amended and other relevant Govt. orders including roster for reservation. Prior approval of the Govt. should be obtained before appointments as per West Bengal Municipal Act, 1993, since amended.

Yours sincerely,
 Director of Local Bodies, West Bengal
 &
 Commissioner, U.D. & M.A. Department
 Dated, Kolkata, the 26th September, 2019.

No. 1099 /DLB/B-201/15-25/2018

Copy forwarded for information to the,

1. P.S. to Hon'ble M.L.C., U.D. & M.A. Department.

Director of Local Bodies, West Bengal
 &
 Commissioner, U.D. & M.A. Department

Annexure 1 P/1A
 To in paragraph 2 Page 2
 By S.K. N. Bhowmik
 In the presence of S. N. Bhowmik
 Commissioner, U.D. & M.A. Department
 High Court, Appellate Bench
 Calcutta

9. As would appear from the above, the posts identified in the aforesaid office memo were directed to be filled up in accordance with provisions laid down in the West Bengal Municipal Employees' (Recruitment) Rules 2005 and other relevant Government Orders including the rosters for reservation. The same also provide that prior approval of the Government should be obtained. Record would also reveal that a corrigendum was issued on 22nd October, 2019 correcting the number of posts to be filled up from 16 to 17 which appears to be correction of clerical mistake in the Memorandum dated 26th September, 2019.
10. Pursuant to the above, the municipality appears to have issued the employment notice bearing no. 01/SM 2019-2020 dated 8th February, 2020. The petitioners participated in the said recruitment

process and the petitioners noted hereinabove had become successful. Since the outcome thereof was not intimated, the petitioners had approached this Court whereupon a Co-ordinate Bench of this Court by an order dated 13th November, 2024 in WPA 26062 of 2022 directed the concerned respondent to communicate the decision with regard to the selection process. It is in furtherance thereto that by Memorandum dated 4th December, 2024, the petitioners were informed that having regard to the office order dated 29th August, 2022 the recruitment process had been cancelled.

11. The petitioners have now approached this Court challenging the aforesaid memorandum. Having regard to the disclosure already made it is necessary to test out as to whether the notification dated 29th August, 2022 in any way seeks to interfere with the recruitment process already initiated by the respondents vide notice dated 26th September, 2019. In this context, I find that by office order dated 29th August, 2022 by noting that the recruitment process in the Urban Local Bodies had got delayed due to diverse reasons against which approval for resuming of recruitment process had been sought, however, since the Finance Department had imposed austerity measure to combat Covid-19 pandemic, it followed that there shall be no recruitment unless approved by the Finance Department. Accordingly, for rational and optimal utilization of manpower certain guidelines were noted in

paragraphs (i) to (iv) of the letter. It was also provided that in case of non-compliance of such paragraphs, it was decided that in cessation of all ongoing/stalled recruitment process, which could not be completed, the State Government would consider filling up the post afresh by following the existing Government orders as noted therein. To morefully appreciate the same, the above letter is extracted hereinbelow:

Government of West Bengal
Urban Development & Municipal Affairs Department
NAGARAYAN
DF-8, SECTOR-1, SALT LAKE CITY, KOLKATA-700064

ORDER

No.344-UDMA-25011(11)/108/2022-LSG SEC

Dt : 29.08.2022

It has come to the knowledge of this department that in a number of Urban Local bodies the recruitment process for filling up of different categories of posts against sanctioned vacancies have got delayed at different stages due to involvement of court cases, outbreak of COVID 19 or several other reasons against which approval for resuming the recruitment process have been sought by the respective ULBs as in terms of Memorandum Nos. (i)1491-F(Y) dt. 02.04.2020 (ii)2069-F(Y) dt. 29.06.2020 (iii)2732-F(Y) dt. 22.09.2020 (iv) 1971-F(Y) dt.30.06.2021 & finally (v) 30-F(Y) dt.04.01.2022. Finance Department has imposed austerity measures for combating the Covid 19 pandemic following which there shall be no recruitment/engagement of manpower unless approved by the Finance department and the restriction is still in force vide memo no. 2391-F(Y) dt. 10.06.2022 of the Finance department.

In last few years the State Government in Finance department and Urban Development & Municipal Affairs department have issued certain orders/notifications in order to ensure rational and optimal utilization of human resources in government and other allied establishments under the administrative control of the State government which are as follows:

- (i) In terms of Memorandum No.7806-F(P)/FA/O/2M/1151/17 (N.B.) dated, 19.12.2017 of Finance Department, approval of the Cabinet is necessary if the posts are not filled up within two years from the date of creation.
- (ii) in terms of Finance (Audit) Department's Memo No. 4175-F (P2)/ FA/O/2M/71/18 (NB)(pt) dtd. 29.06.2018, all proposals for the creation /filling up of posts/ restructuring of the Service Cadre in the Government Establishments, Local Bodies, Boards, Corporations, Undertakings and all Grant-in-aid institutions shall be first scrutinized by the State Level Committee on Rationalization and Optimal Utilization of Human Resources before being concurred by the Finance Department.
- (iii) In terms of Gazette Notification No. 981/MA/O/C-4/1A-23/2017 dated 31.12.2018 West Bengal Municipal Service Commission Act 2018 was enacted constituting the West Bengal Municipal Service Commission w.e.f 2nd January, 2019. By virtue of this Act the West Bengal Municipal Service Commission has been empowered to select personnel of all Urban Local Bodies and Development Authorities as and when to do so.
- (iv) in terms of this Department Order No. 34(145)/MA/O/C-4/1A-23/2017 dated 09.01.2019, concerned Urban Local Bodies were advised that henceforth all recruitment of personnel shall be made through West Bengal Municipal Service Commission and ULBs are to send requisition for selection of personnel to the said Commission as and when necessary.

Since the cases in question where the recruitment process could not be completed due to various reasons as mentioned above though the process had been initiated by the concerned Urban Local Bodies and thus remain non-compliant to the directives as mentioned at para (i) to (iv) above, after careful consideration of the matter, it is decided that in cessation of all ongoing/stalled recruitment process in the Urban Local Bodies where the recruitment process was initiated with the government approval issued before 1.1.2020 for filling up of the vacant posts in ULBs and could not be completed by the Urban Local Bodies till date, the State government in UD&MA department would consider proposals for filling up of the vacant posts in those ULBs afresh by following the existing government orders as mentioned above, if the Urban Local Bodies send proposals with proper justification.

There may be few instances where the approval for filling up of posts accorded from January 2020 onwards but the recruitment processes have got delayed due to the outbreak of pandemic. The cases which have fallen within this timeline would be considered in compliance with the existing government orders mentioned at para (i) to (iv) above and as applicable, and the orders related to austerity measures for combating Covid 19 pandemic as issued and amended by the Finance department time to time

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Further, this would not include those cases for which West Bengal Municipal Service Commission has already initiated the recruitment process.

This order will take immediate effect.


Principal Secretary to the Government of West Bengal

12. In this regard, it would be relevant to note that though the Office Memorandum dated 9th January, 2019 required all recruitment of personnel to be done through the West Bengal Municipal Service Commission, however, the rules in this regard were framed in exercise of powers conferred by Section 14 of the West Bengal Service Commission Act, 2018 and the same was notified only on 20th September, 2022, previously referred herein as the 2022 Rules.
13. While Section 7 of the said Act confers a duty on the Commission to select person for direct recruitment to such categories of posts and services in the establishment of Urban Local Bodies etc, as may be prescribed, Rule 9 of the 2022 Rules elaborates on the manner in which the function of the Commission is required to be exercised for the prescribed posts. To more fully appreciate the same, the said Section 7 and Rule 9 are extracted hereinbelow:

“7. Function of Commission. – (1) *Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (3), it shall be the duty of the Commission to select persons for direct recruitment to such categories of posts and services in the establishments of Urban Local Bodies (Municipal Corporations, Municipalities, Notified Area Authorities, Industrial Township Authorities) and*

also establishment of different Organizations under Urban Development and Municipal Affairs Department, as may be prescribed.

(2) It shall be the duty of the Commission to perform such other functions as the State Government may, by notification, specify and also advice the State Government on such matter as may be referred to it.

(3) Nothing in this section shall apply to direct recruitment to the posts or services which are-

- (a) required to be made through the Public Service Commission, West Bengal;*
- (b) filled up from the candidates belonging to the exempted categories which has been declared or is declared by the State Government by notification issued in exercise of the power conferred by section 3 of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertaking, Statutory Bodies, Government Companies and Local Authorities Act, 1999 (West Ben. Act XIV of 1999),*
- (c) excluded from the purview of this Act by the State Government by notification.”*

“ 9. Functions of the Commission-

- (1) It shall be the duty of the Commission to conduct, where necessary, examinations for appointment to the posts and services in the establishment of Urban Local Bodies (Municipal Corporation, Municipalities, Notified Area Authorities and Industrial Township Authorities), Development Authorities and also establishment of different organizations under Urban Development and Municipal Affairs Department, Government of West Bengal.*

(2) The Commission may be consulted as and when necessary-

(a) On all matters relating to methods of recruitment to category A posts, category B posts and category C posts;

(b) On the principles to be followed in making appointments to category A posts, category B posts and category C posts;

And it shall be the duty of the Commission to advice on any matter so referred to it or on any other matter which the State Government may refer to it.”

14. From perusal of the above, it would appear that the Commission may be consulted as and when necessary on matters relating to method of recruitment to category ‘A’ posts, category ‘B’ posts and category ‘C’ posts and the principle followed in making appointment to the category ‘A’ and ‘B’ posts are to be followed insofar as category ‘C’ posts are concerned. I find that Section 7 of the said Act read with the above Rule makes it abundantly clear that though the said Act envisages a duty on the Commission to select persons for direct recruitment to such categories of posts and services in the establishment of the Urban Local Bodies etc., as may be prescribed by the 2022 Rules, which has been framed in exercise of powers conferred under Section 14 of the said Act, the State has in fact prescribed for the mode and manner of recruitment of category ‘A’, category ‘B’ and category ‘C’ posts only. Till date, category ‘D’ posts have not been prescribed under any of the rules framed by powers conferred under Section 14 of the said Act, for recruitment through the Commission.

15. In this context, it would be relevant to note that the Government in exercise of powers conferred under Sub-section (1) read with clause (e) of Sub-section (2) of Section 138 of the West Bengal Town and Country (Planning and Development) Act, 1979 has been pleased to frame the rules relating to recruitment and conditions of appointment of employees of the development authorities under the Department of Urban Development Municipal Affairs (Town and Country Planning Branch), Government of West Bengal, known as the Development Authority (Recruitment and Promotion) Rules, 2019, previously referred herein as the 2019 Rules, which has been notified in the Kolkata Gazette on 2nd September, 2019 whereunder method of recruitment of not only Group 'A', 'B' and 'C' category posts under the Development authorities but also the Group 'D' posts have been provided for. While for the Group 'A', 'B' and 'C' category posts, the procedure for direct recruitment by the Commission constituted under the said Act has been followed, in terms of Rule 6 of the 2019 Rules, a specific procedure for recruitment of Group 'D' staffs has been provided for. As per such rule, the selection committee, the constitution whereof is provided under Rule 5 of the 2019 Rules, has been authorised to deal with the direct recruitment of Group 'D' posts. Chapter-III of the 2019 Rules, which provides for the details of posts of officers and employees of the development authorities and the method of recruitment further identified under Serial 35 thereof that the

recruitment of Group 'D' posts shall be conducted by the selection committee of the concerned development authority as referred to in Rule 5 of the 2019 Rules. The aforesaid 2019 Rules having been introduced by the Government after the said Act having been enacted and given effect to, the same read with the authorisation given to the Commission to appoint Group 'A', 'B' and 'C' category posts in terms of the 2022 Rules, makes it amply clear that the intent of the Government was to confer right of authority to the Commission for recruitment of Group 'A', 'B' and 'C' category posts excluding category 'D' posts therefrom. Though the said Act brings within its sweep the right to select persons for direct recruitment to the posts and services of the establishment of the Urban Local Bodies etc, however, at the same time the Government had reserved its right to prescribe such type of posts and services in the establishment, as it deemed fit.

16. In the instant case, I find that the State Government has only prescribed the direct recruitment of 'A', 'B' and 'C' category posts to be conducted by the Commission, leaving 'D' category posts outside its purview. The Office Memorandum dated 9th January, 2019 is thus, restricted to recruitment of such personnel of the municipality or the establishment etc., as had been or would be prescribed in terms of the said Act, and the order passed by the Division Bench dated 2nd January, 2025 has to be read in consonance with the above. In any event, the direction contained in the order dated 2nd January, 2025 is only prospective.

Government of West Bengal
Department of Urban Development & Municipal Affairs
"NAGARAYAN"
DF-8, Sector-I, Salt Lake City, Kolkata 700 064

ADM-D
District Magistrate
BIRBHUM
Dated, Kolkata, the 8th March, 2025

No. 127(Law)/UDMA- 15011(16)/191/2024-LS-MA
ORDER

WHEREAS the West Bengal Municipal Service Commission Act, 2018 has been in force since 2nd January, 2019 and West Bengal Municipal Service Commission has been constituted with effect from 2nd January, 2019.

AND WHEREAS as per provisions of section 7 of the West Bengal Municipal Service Commission Act, 2018 and Rule 9 of West Bengal Municipal Service Commission (Terms and conditions of service of the Chairman and other Members, appointment and function) Rules, 2022, has been framed envisaging West Bengal Municipal Service Commission to conduct where necessary, examination for appointment to the posts and services in the establishment of Urban Local Bodies including Industrial township Authorities, Development Authorities and also establishment of different organizations under Urban Development and Municipal Affairs Department and the Commission may be consulted as and when necessary on all matters relating to method of recruitment of category A posts, category B posts and category C posts and on the principles to be followed in making appointments to category A and category B posts.

AND WHEREAS this Department has earlier Issued a guideline vide No. 34(145)/MA/O/C-4/1A-23/2017 dated 09.01.2019 for recruitment of personnel in Urban Local Bodies and Development Authorities through West Bengal Municipal Commission.

AND WHEREAS Hon'ble High Court has pleased to pass an order dated 02.01.2025 in W.P.A. (P) No. 428 of 2024 (Sandipan Khan Vs. The State of West Bengal & Ors.) directing *inter-alia* the Government to issue appropriate orders reiterating the directions given in the notification dated 9th January, 2019 and ensure that all the Urban Local Bodies and Development Authorities shall henceforth make all recruitments of personnel through the West Bengal Municipal Service Commission

NOW THEREFORE, it is once again reiterated that all recruitments of personnel in the establishments of Urban Local Bodies (Municipal Corporations, Municipalities, Notified Area Authorities, Industrial Township Authorities) and also establishment of different Organizations under Urban Development and Municipal Affairs Department as envisages in the Act shall be done through West Bengal Municipal Service Commission and the municipalities and notified area authorities shall send their requisition of selection of personnel to the West Bengal Municipal Service Commission through Director of Local Bodies, West Bengal and the Municipal Corporations and Development Authorities shall send requisition of selection of personnel to the Commission through Department of Urban Development and Municipal Affairs, Government of West Bengal as and when required.

9.48. K. M. J. 04/03/25
Official received on 04/03/25
and forwarded / send to...
On... for taking necessary
action.

A.D.M. (D)
BIRBHUM

Special Secretary to the Government of West Bengal

Annexure
To in paragraph
Forgoing Petition affirmed
by
on this day of February 2026

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

18. Thus, noting the prospective nature of the directions of the Hon'ble Division Bench, and the Government themselves having initiated the recruitment process after enactment of the said Act, it is to be presumed that the Government was conscious of the position and had permitted the recruitment process to continue at that stage especially when the Government was yet to prescribe the categories of posts and services in the establishment of the Urban Local Bodies etc., which could come within the purview of the Commission for its selection under direct recruitment.

19. Accordingly, the office memo dated 4th December, 2024 appears to be arbitrary having been issued in complete non-application of mind. The same thus, stands set aside. As a sequel thereto, the order dated 23rd May, 2023 issued by the Director of Local Bodies also stands set aside. The concerned Director of Local Bodies is directed to revisit the aforesaid issue in the light of the observations made herein and to pass necessary orders based on the Governmental Orders and/or Rules for recruitment of category 'D' posts as was applicable at the time of initiating the recruitment process.

20. With the aforesaid process the WPA 830 of 2025 stands disposed of.

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

(Raja Basu Chowdhury, J.)