

10.04.2026
rc/ct.no.15
Item No.33

WPA No. 4446 of 2026
with
CAN No. 1 of 2026
Hare Ram Rai
Versus
Howrah Zilla Parishad & Ors.

Mr. Animesh Paul ..for the petitioner

Mr. Sibojyoti Chakraborty
Ms. Debolina Ghosh...for the Howrah Zilla Parishad

Mr. Mrityunjoy Goswami
Mr. Indrajit Ghosh ...for the State

Report submitted by the State is taken on record.

The petitioner is posted as an Assistant Engineer in Howrah Zilla Parishad and has assailed the notification issued by the Special Secretary to the Government of West Bengal, Panchayat and Rural Development Department on February 16, 2026 directing transfer of the petitioner from Howrah to Nadia.

Learned counsel for the petitioner submits that the order of appointment of the petitioner to the Zilla Parishad issued by the Executive Officer, Howrah Zilla Parishad on September 26, 2008 clearly states that the Zilla Parishad may transfer the employee for the interest of the office. Therefore, the Zilla Parishad has authority to transfer the petitioner and such authority is not conferred upon the State Government.

Learned counsel for the petitioner has referred to the provision laid down under Section 166(4) of the West Bengal Panchayat Act, 1973 (in short, “the Act”) which provides that the State Government shall make rules relating to the method of recruitment and the terms and conditions of service including pay and allowances, superannuation, provident fund and gratuity of the employees of the Zilla Parishad. Section 224 of the Act also provides that the State Government may, after previous publication, make rules for carrying out the purposes of the Act.

It is not in dispute that no such rule has been framed by the State Government in terms of the said provisions of law. Learned counsel has referred to a notification issued by the State Government on January 10, 2024 which states that transfer and posting of District Engineers, Assistant Engineers and Sub-Assistant Engineers of Zilla Parishads and Siliguri Mahakuma Parishad shall be made in any Zilla Parishad or Siliguri Mahakuma Parishad within the State and shall be done by the authority specified by the Panchayat and Rural Development Department. According to learned counsel, the said notification is *dehors* the Act itself and cannot be sustained.

It is not in dispute that no rule has been framed by the State Government in terms of Sections 166(4) and 224 of the Act. The appointment order issued in favour of the

petitioner clearly indicates that the Zilla Parishad may transfer the employee for the interest of the office. In other words, the authority to transfer an employee of the Zilla Parishad lies solely with the Zilla Parishad and not the State Government. The notification dated January 10, 2024 speaks about the authority specified by the Panchayat and Rural Development Department to effect transfer and posting of District Engineers, Assistant Engineers and Sub-Assistant Engineers of Zilla Parishads. Admittedly no such authority has yet been specified by the Panchayat and Rural Development Department. Also, the notification appears to be contrary to the tenets of the Act itself.

In view of the above, the notification dated February 16, 2026 issued by the Special Secretary to the Government of West Bengal, Panchayat and Rural Development Department transferring the petitioner from Howrah to Nadia is not sustainable in law and is required to be set aside/quashed.

Accordingly, the notice impugned dated February 16, 2026 is set aside/quashed. As a consequence, the order passed on February 19, 2026 releasing the petitioner from his present post is also set aside/quashed.

The writ petition is disposed of.

The connected application being CAN No. 1 of 2026 is also disposed of.

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

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)