

20.08.2026
Court No. 12
Item No.13
Cp

FMA 990 of 2026
With
CAN 1 of 2026

Md. Nasiruddin Baidya
Vs.
The State of West Bengal & Ors.

Mr. Soumen Kr. Datta
Mr. Subhas Jana
Ms. Juthika Barman
.....for the appellant.

Mr. Lokenath Chatterjee
Mr. Anjan Chakrabarty
Ms.Sruti Datta
....for the State respondents.

Mr. Samim Ahamed, Sr. Advocate
Mr. Nasirul Hoque
Ms. Shreya Das
.....for the respondent No. 4.

1. The appeal arises out of an order dated July 10, 2026, passed in WPA 1670 of 2026. By the order impugned, the learned Judge dismissed the writ petition on the ground that the respondent no. 4 was appointed on a temporary basis and Rule 3(a) of the "Procedure for Selection of Candidates for Muhammadan Registrarship in Districts Other Than Calcutta," provided for appointment of an MMR upon creation of a new office. Thus, the writ petition was dismissed.
2. Mr. Dutta, learned advocate for the appellant, submits that the appellant was already

functioning as an MMR within Dholahat Police Station since 2012, upon being transferred from Kakdwip. According to Mr. Dutta, only two MMRs can function within the limits of one police station. One from the Shia and other from the Sunni community respectively. In this case, the respondent no. 4 also belongs to the Sunni community. Secondly, the procedure under Rule 3 of the said Rules had not been followed.

3. Mr. Chatterjee, learned advocate for the State, submits that the respondent No. 4 was appointed on a temporary basis and the State had followed the provisions. The learned Single Judge did not call for affidavits and as such, the relevant documents could not be produced by the State respondents.
4. Mr. Ahamed, learned advocate for the respondent No. 4, submits that the District Registrar, South 24 Parganas, had submitted a report before the Law Department with regard to the feasibility of a geographical division of Dholahat Police Station. The District Registrar informed the Law Department that, the bifurcation proposal would be beneficial for administrative convenience, as the area was densely populated. Public service would be more meaningful in the context, and as such, the territorial limits of Dholahat should be bifurcated. Accordingly, the area under Dholahat

Police Station was divided into two parts. The territorial limits of the respondent no. 4 was Mathurapur I and Patharpratima Block.

5. According to Mr. Ahamed, the respondent was appointed on temporary basis and the law permitted temporary appointment under Rule 3 of the Procedure.
6. The provision is quoted below:-

"(a) CANDIDATES PROCEDURE FOR SELECTION OF FOR MUHAMMADAN REGISTRARSHIP IN DISTRICTS OTHER THAN CALCUTTA. On the occurrence of a vacancy in the post of a Muhammadan Registrar or on the creation of a new office in any district other than the district of Calcutta, the Registrar shall at once make a temporary appointment to carry on the work of the office, intimate the vacancy to the Inspector-General of Registration and invite applications for the permanent post. Applications may also be received by Inspector-General of Registration but on receipt he should forward them to the Registrar of the district concerned. The Registrar will, then send to the Inspector-General of Registration all the applications for the post after recommending in order of preference the best four of the applications and merely noting on the others "not recommended". On receipt of the applications the Inspector-General of Registration will ask the Permanent Committee to consider them along with his remarks and the remarks of the Registrar, as the case may be, and submit their recommendations to him putting forward three names for each vacancy in order of preference. He will then communicate the recommendations to Government who may select one out of these, three names or, for any special reason, may select any other from the rest of the candidates.

(b) PROCEDURE IN MAKING TEMPORARY APPOINTMENT.-In making temporary appointments the Permanent Committee need not be consulted. The District Registrar shall nominate a suitable person for each vacancy. The District Registrar's nomination shall be submitted to Government by the Inspector-

General of Registration who, if he disapproves of the District Registrar's nominee, may recommend the appointment of any other candidate. A temporary license shall then be issued to the candidate approved by the local Government."

7. We have considered the rival contentions of the parties. Rule 3 provides the entire procedure for selection of candidates for Muhammadan Registrarship in Districts other than Calcutta. Under Rule 3(a), in the event of creation of a new office, the Registrar was required to make a temporary appointment to carry out the work at once and, thereafter, intimate the vacancy to the Inspector General of Registration and invite applications for the permanent post. In the letter of appointment, we find that the respondent no. 4 has been appointed upto the age of 68 years, by the law department. Thus, the records do not reveal that Rule 3(a) was the provision under which such appointment was made. Rule 3(b) deals with the procedure in making temporary appointment. We do not find from the order of appointment of the respondent no. 4 that the appointment was on temporary basis. However, we agree that under Rule 3(a), on creation of a new office the Registrar has a right to immediately fill up the office and refer the matter to the Inspector General for further process.

8. Under such circumstances, we treat the appointment of the respondent no.4 to be one under Rule 3(a), and we direct the Principal Secretary Law Department, to pass a reasoned order indicating whether the procedure laid down under the said Rules had been followed in the appointment of the respondent No. 4. Such order shall be passed upon hearing the parties. The order shall be communicated to the parties.
9. The entire exercise shall be completed within a period of two months from the date of communication of this order. Till the decision is taken, the respondent no. 4 will function on a temporary basis. If it is found that the Rules have not been followed, immediate steps shall be taken under the applicable rules. If the Rules have been followed, the order shall reflect the details of the same.
10. Accordingly, the appeal and the connected application are disposed of. The order impugned is set modified.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)