

AD-03
Ct No.09
28.08.2023
TN

WPA No. 3925 of 2023

Nargis Sultana
Vs.
The State of West Bengal and others

Mr. Tushar Kanti Mukherjee

.... for the petitioner

Mr. Ashim Kr. Ganguly,
Mr. Subrata Dasgupta

.... for the State

The reports filed today be kept on record.

Learned counsel appearing for the respondent-authorities, by placing reliance on several documents annexed to the reports, submits that the petitioner's documents themselves, accompanying her application for appointment temporarily as a Mohammedan Marriage Registrar, show that she is a resident of Basirhat, whereas she has applied for appointment in Baranagar.

Although the petitioner has stated in her application that she is temporarily residing at Baranagar, the documents produced by her clearly show that she is a resident of Basirhat. That apart, it is submitted that the petitioner failed to produce any certificate from Mohammedan persons to indicate her proficiency in Arabic language and Mohammedan Law

of Marriage, which is also one of the requirements as per the Rules.

Learned counsel appearing for the petitioner controverts such submissions and argues that the petitioner at present has obtained an Aadhaar card which indicates that she is residing at Baranagar.

Although, on query, learned counsel for the petitioner submits that the Aadhaar card submitted along with the application showed that she is a resident of Basirhat, it is contended that she is residing with her family at Baranagar at present.

It is seen from the documents annexed to the reports that the documents produced by the petitioner herself along with her application predominantly show that the petitioner is a permanent resident of Basirhat.

Only a statement in the application by the petitioner and an affidavit filed by her, authored by herself, indicate that she is at present residing at Baranagar.

Hence, even without going into the question as to whether the other formalities were complied with by the petitioner, such as production of documents by Mohammedan persons of respectability to show that she has acquaintance with the Arabic language and Mohammedan Law of Marriage for becoming eligible

for the concerned post, in view of the fact that the documents of the petitioner mostly indicate that she is a resident of Basirhat, the discretion of the authorities was rightly exercised, insofar as preference was given to another candidate, who is a local resident of Baranagar, which exercise is in consonance with the existing guidelines.

Thus, the said decision-making process of the respondent-authorities ought not to be interfered with readily in the writ jurisdiction.

Accordingly, WPA No. 3925 of 2023 is dismissed, without any order as to costs.

The documents filed today be kept on record.

It is made clear that nothing in this order shall preclude the petitioner from subsequently applying for the post of temporary Mohammedan Marriage Registrar for the Baranagar Police Station area, if the post becomes vacant at any future point of time and if the petitioner submits sufficient documents to indicate that she has been residing within the territory of the Baranagar police station in future.

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

(Sabyasachi Bhattacharyya, J.)