

27th February, 2023
(D/L No.26)
(SKB)

W.P.A. 6593 of 2021

Zamirruddin Mallick
Versus
The State of West Bengal and others

Mr. Mokaram Hossain,
Sk. Md. Anwarullah
... for the petitioner.

Sk. Md. Galib,
Ms. Sujata Ghosh
... for the State.

Md. Nauroz Rahber,
Muhammod Jawwad
... for respondent no.6.

The only point for adjudication is whether the private respondent who was appointed as the Muhammadan Marriage Registrar (MMR) pursuant to an advertisement dated 4th August, 2019 is a resident of Joypur, Howrah or not.

The documents annexed to the affidavit of the private respondent show the Electricity Bill, the Bank Passbook, the e-Ration Card and the Passport which mention that he is a resident of Joypur, Howrah. However, all the documents, save and except the Bank Passbook were issued much after the advertisement. The Bank account was opened on 26th August, 2019 which is after about 20 days from the publication made for inviting application for Muhammadan Marriage Registrars.

Clause 4(b) of the notification issued by the LAW (Judicial) Department (Registration) on 14th August, 2019 provides that local candidates are to be preferred as far as practicable for selection as MMRs. A further notification of 15th October, 2009 provides for further requirements for selection including an Indian citizen domiciled only in State of West Bengal.

Since the documents relied on by the private respondent show that the documents were obtained after the advertisement dated 4th August, 2019, W.P.A.6593 of 2021 is disposed of with a direction on the respondent no.2 being the District Registrar, Howrah, to consider the factual particulars as to the residence of the private respondent in accordance with the governing Act and the Notifications. The respondent no.2 shall hear all necessary parties and come to a reasoned decision within 8 weeks from today. A copy of the reasoned order shall be made available to the petitioner and the private respondent within 9 days from the date of passing of the order.

(Moushumi Bhattacharya, J.)