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06.02.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 3916 of 2023

Tuhina Khatun
Vs.
The State of West Bengal & Ors.

Mr. Tushar Kanti Mukherjee
...for the petitioner

Mr. Amitesh Banerjee
(Learned Senior Standing Counsel),
Mr. Tarak Karan
...for the State

1. The petitioner claims that despite an order of this Court, the respondent nos. 2 and 3 have not acted on the same by dealing with the representation of the petitioner for being appointed as an Muhammadan Marriage Registrar (MMR) for a particular police station.
2. Learned Standing Counsel for the State submits that in fact, the respondents nos. 2 and 3 have forwarded the representation of the petitioner to the appropriate authority and the matter is pending before the Ministry of Law of the State of West Bengal. However, a sticking point is that the petitioner has not produced any document to indicate that she resides in the concerned area.

3. The problem can be resolved as such, if the petitioner swears an affidavit and files it with the Secretary, Department of Law, that is, the respondent no. 2, disclosing that she is residing and/or having an office in the area-in-question for the purpose of final consideration of her representation for appointment as an MMR.

4. Accordingly, W.P.A. No. 3916 of 2023 is disposed of by directing the petitioner to file an affidavit, properly affirmed before a First Class Judicial Magistrate, disclosing that she is a resident and/or has an office in the area-in-question where she seeks an appointment as an MMR.

5. If such an affidavit is filed with the respondent no. 2 within a week from date, the respondent no. 2 shall act on the same.

6. Upon a consideration of such affidavit, if there is no other impediment and if the petitioner is otherwise eligible, the appointment of MMR shall be given to the petitioner with regard to the area concerned at the earliest, preferably within a month from the submission of the affidavit by the petitioner to the respondent no. 2.

7. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)