

D/L.24.
March 28, 2024.
MNS.

WPA No. 6043 of 2024

Sabir Ahammad and others
Vs.
The State of West Bengal and others

Mr. Golam Mastafa,
Mr. Tarasankar Samanta

... for the petitioners.

Ms. Sonal Sinha,
Mr. Avishek Prasad

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioners, who are acting as temporary Muhammadan Marriage Registrars (MMRs), challenge a notice dated February 12, 2024 issued by the District Registrar, Hooghly.
3. By virtue of the said notice, applications are invited for appointment of permanent MMRs for the area under the jurisdiction of Chinsurah, within the zones where the petitioners are already functioning.
4. It is argued that the petitioners have long been performing their duties as temporary MMRs and they should be given preference.
5. Out of the petitioners, the petitioner nos. 2 and 4 crossed the upper age limit for participation in the permanent appointment process. It is

argued that they should be given a relaxation, which is permissible under the law.

6. Heard learned counsel for the State.
7. Learned counsel for the petitioners cites an unreported judgment of a co-ordinate Bench in *Mahirul Seikh Vs. State of West Bengal and others (WPA 15203 of 2018)*, where it was recorded by the learned Single Judge that the State Government itself had filed an affidavit where it was suggested that the persons already acting as MMRs would be given an opportunity to participate in the fresh recruitment process and the upper age limit of the candidates whose names were appearing in the then present panel shall be deemed to have been relaxed by the State Government and their candidature shall be considered if they are otherwise suitable for appointment as MMRs.
8. However, similar affidavit has not been filed in the present case.
9. Be that as it may, since the petitioners have already been acting for long as temporary MMRs in the area-in-question and have gathered considerable experience in the field, it would only be expedient for the State to consider the issue of relaxation of age, which

is permissible under the law, for petitioner nos. 2 and 4.

10. All the petitioners are definitely entitled to participate in the fresh invitation for permanent appointment of MMRs by virtue of the notice dated February 12, 2024.

11. Accordingly, WPA No. 6043 of 2024 is disposed of by granting liberty to all the petitioners to participate in the invitation issued by the impugned notice dated February 12, 2024 for appointment of permanent MMRs for the area-in-question.

12. With regard to the petitioner nos. 2 and 4, if the said petitioners approach the respondent authorities for relaxation of the upper age limit, the said request shall be considered sympathetically and in accordance with law by the respondent authorities keeping in view the fact that the said petitioners have been acting in the capacity of temporary MMRs in the self-same area for a considerable period of time.

13. There will be no order as to costs.

14. 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.)