

28th May,
2024
(AK)
07

W.P.A 6394 of 2024

Md. Kalimuddin
Vs.
The State of West Bengal and others

Mr. Arunava Ganguly
...for the petitioner.

Mr. Swapan Banerjee, Ld. A.G.P.
Mr. Ayan Ray
Mr. Ranjit Rajat
...for the State.

1. On leave of the court, State respondent is appearing through video conference.
2. The writ petitioner is a Muslim Marriage Registrar/ Kazi, appointed temporarily under Section 3 of the Bengal Muslim Marriage and Divorces Registration Act, 1876.
3. Presently he wants extension of his licence till the 68 years of his age.
4. Mr. Arunava Ganguly is appearing for the writ petitioner. He has pointed out regarding possible in unequal treatment of his client with other similarly placed people, to whom extension of age has been granted, vide authorities order dated December 15, 2021. He seeks equal treatment for his client.
5. Mr. Swapan Banerjee is appearing for the respondent authorities.

6. The written instructions have been submitted in court today.
7. Mr. Banerjee is of the opinion, on the basis of the said written instructions, that the controlling statute does not provide for grant o permanent status to a temporary Marriage Registrar appointed under the said Act. Secondly, he submitted that process has already been initiated for appointment of permanent Marriage Registrar and Kazi under the said provision of law.
8. Considered submissions and perused the materials as well as written instructions as submitted in court. It appears that previously the concerned authority has granted permission for continuing as licensed Marriage Registrar till the age of 68 years of the candidate to other person. It is also seen from the order passed by the Hon'ble Coordinate Bench that in the light of the said circumstance the concerned authority has been directed to consider the case of the writ petitioner there.
9. Likewise, this court is inclined to pass direction upon the respondent authority, that is, respondent no.1 to consider and decide, the case of the present writ petitioner, in accordance with law.
10. In doing so, the respondent authority is directed to give adequate opportunity of hearing to the writ petitioner, when he shall be granted liberty to rely

on whatever document he may deems fit and proper to rely on.

11. Respondent authority shall dispose of the writ petitioner's representation dated February 9, 2024 by a reasoned order.
12. This exercise as above, may be concluded within a period of three weeks from the date of this order.
13. Accordingly, WPA 6394 of 2024 is disposed of.

(Rai Chattopadhyay, J.)