

03.06.2024
Item No.1
Ct. No.5
CHC/S. De
(disposed of)
Vacation Bench

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 6897 of 2023

**Anowar Sadad Sarkar
Vs.
The State of West Bengal & ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Mr. Kazi Sajjad Alam
...for the petitioner

Mr. Swapan Banerjee,
Mr. Debottam Das
...for the State respondents

The petitioner refers to page 3 of the Supplementary Affidavit affirmed on 1st August, 2023 wherefrom it appears that one Md. Salimuddin Miah was considered for giving temporary appointment to the post of Muslim Marriage Registrar under Patiram Police Station in the District of Dakshin Dinajpur.

The petitioner is a contender to the post of Muslim Marriage Registrar. It has been submitted that during pendency of the writ petition the respondent authority took a decision to give appointment in favour of the aforesaid Md. Salimuddin Miah. The petitioner prays for an interim stay of the appointment of the aforesaid respondent.

Learned Senior Advocate appearing for the petitioner does not pray for transfer of the licence of the petitioner as reflected in prayer (a) of the writ petition.

Learned advocate representing the State respondents has obtained instruction from the OSD and ex-officio Joint Secretary, Law Department, Government of West Bengal wherefrom it appears that the Deputy Registrar initiated the process of appointment of temporary Muslim Marriage Registrar in Patiram Police Station area and invited application from eligible candidates vide notice dated 4th January, 2023. The D.R. sent a panel of two candidates to the IGR *vide* Memo dated 24.02.2023 with the recommendation for appointment of Md. Salimuddin Mia, whose name appeared in No.1 of the panel. The IGR forwarded the said panel to the State Government *vide* Memo dated 10.04.2023 with the recommendation for appointment of Md. Salimuddin Mia as temporary MMR in Patiram P.S. area, District Dakshin Dinajpur in terms of Rule 3(b) of the MMR Rules, 1929. The State Government issued temporary MMR License in favour of Md. Salimuddin Mia *vide* Order dated 29.09.2023 following the procedure as laid down under rule 3(b) of the MMR Rules, 1929. The writ petitioner Anowar Sadat Sarkar remained functional as MMR of

Balurghat and his interest has not been adversely affected by way of appointment of Md. Salimuddin Mia as temporary MMR in Patiram P.S. area, District Dakshin Dinajpur.

It appears from the submission made on behalf of both the parties that the Government has already issued temporary licence in favour of Md. Salimuddin Mia in September 2023 and at the same time, the petitioner also remains functional as the Muslim Marriage Registrar of Balurghat area and his interest has not been adversely affected in any manner by way of appointment of Md. Salimuddin Mia.

It has been admitted by the learned advocate appearing for the parties that permanent appointment of Muslim Marriage Registrar is yet to take place.

The petitioner cannot be said to be aggrieved if a separate candidate has been issued temporary licence to act as Muslim Marriage Registrar. The petitioner can continue to act as the temporary Muslim Marriage Registrar.

The functioning of the petitioner in the temporary post will not stand in the way of the respondent authorities from considering the case of the petitioner for being appointed on permanent basis in accordance with law as and when steps are being taken by the authority for the aforesaid.

The writ petition being WPA 6897 of 2023 stands disposed of.

The instruction forwarded by the OSD and ex-officio Joint Secretary, Law Department, Government of West Bengal signed on 02.06.2024 be retained with the records.

Urgent Photostat certified copy of this order, if applied for, be given to the parties expeditiously after compliance of all necessary formalities.

(Amrita Sinha, J.)