

Item No.43
08.08.2024
Court. No. 9
GB

W.P.A. 14982 of 2024

Mir Md. Kalimuddin & Ors.
Vs.
The State of West Bengal & Ors.

*Mrs. Chama Mookherjee,
Mr. Anujit Mookherjee,
Ms. Chandrani Ghosh,
Ms. Monisha Chatterjee,
Mr. Prithish Chandra*

...for the Petitioners.

*Mr. Sirsanya Bandopadhyay,
Mr. Swapan Banerjee,
Mr. Debottam Das,
Mr. Ritesh Kumar Ganguly*

...for the State.

1. The petitioners have prayed for a direction that they be treated as permanent Muslim Marriage Registration (MMR). They have been serving in the post of MMR since long. Their age of superannuation was also mentioned against their names in the official records.
2. Mrs. Mookherjee, learned advocate for the petitioners contends that even if the initial appointment was temporary, the fact that the petitioners were allowed to continue as MMRs in the District of Hooghly since long, for all practical purposes they had become permanent MMRs by dint of a Notification No.5056J dated July 28, 2020. Further contention is that the authority should be restrained from taking steps for appointment of permanent MMRs within Hooghly Police Station. Reliance has been placed on a list of MMRs and Kazis, maintained by the District Registrar, Hooghly where the date of birth and the date of

superannuation of the petitioners have been mentioned. It is the specific contention of Mrs. Mookherjee that had the authority treated the petitioners as temporary MMRs, the question of mentioning their date of superannuation would not arise. Temporary MMRs are nominated by the District Registrar and can continue in office only for a limited period.

3. Mr. Banerjee, learned advocate for the State submits that the writ petition at the instance of the petitioner nos.1 and 3 is not maintainable as they had already raised a similar issue in an earlier Writ Petition No.6394 of 2024 and a coordinate Bench had directed their representations to be considered. The representations were considered and the prayer of these writ petitioners for issuance of appointment letters to them, till they attain the age of 68 years, was not allowed. These petitioners were allowed to continue as temporary MMRs till appointment of a permanent MMR. The qualification for being appointed as permanent MMR is prescribed by law and the appointment to the post cannot be made, except by inviting applications from eligible candidates and through a proper selection process. It is submitted that the selection process has commenced.
4. It appears from the records that two writ petitions had been filed before this Court being WPA No.19767 of 2022 and WPA No.6043 of 2024. A coordinate Bench

had directed that steps should be taken for appointment of permanent MMRs in Hooghly. Such order was carried in appeal before the appellate court in MAT 1659 of 2022. The appeal court also did not interfere with the order of the learned Single Judge directing the Inspector General of Registration and Commissioner of Stamp Revenue to take immediate steps for appointment of permanent Muslim Marriage Registrar. The appeal was filed by a private respondent who was respondent no.7 in one of the writ petitions praying for a relief that he may be allowed to continue for 68 years as he was working as a temporary MMR since long. The Division Bench recorded that since the temporary appointment was continuing for more than 20 years, the learned Single Judge had rightly directed the Inspector General of Registration and Commissioner of Stamp Revenue to take immediate steps for appointment of permanent Muslim Marriage Registrars.

5. Pursuant to this direction, the authority started the selection process. This Court cannot either stay or set aside such selection process on a similar plea made by some other temporary MMRs who submit that they are entitled to continue till the date of superannuation as mentioned in the list maintained by the District Registrar, Hooghly.
6. Under such circumstances, the writ petition is disposed of without any orders. The petitioners may continue till

the selection process is completed and permanent MMRs are appointed. With regard to the allegation that one of the committee members had used the social media with regard to formation of the selection committee, the competent authority shall make necessary enquiry to ascertain the correctness of such allegation and do the needful. The selection process must be fair and unbiased.

7. Accordingly, the writ petition is disposed of.
8. If any other remedy is available, the petitioner may proceed in accordance with law, but the Hon'ble Division Bench has already decided that permanent MMRs should be appointed as temporary MMRs could not continue forever.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)