

ML 64
21.08.2024
Court. No. 9
GB

W.P.A. 16246 of 2024

Nafis Ahmed

Vs.

The State of West Bengal & Ors.

*Mr. Subham Dutta,
Mr. Sk. Sayan Uddin*

...for the Petitioner.

*Mrs. Nilanjana Banerjee Pal,
Mr. Sabyasachi Bhattacharjee*

...for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The writ petition has been filed by a person who was selected as a temporary Muslim Marriage Registrar in Chitpur Police Station area. Such temporary appointment was approved for a period of one year, sometime in 2017.
3. It is contended by the petitioner that despite such approval, the appointment on temporary basis was not given. Suddenly, the authorities advertised to fill up the post. The petitioner contends that the vacancy continued to remain since 2017 and the advertisement was made sometime in 2024.
4. The learned advocate for the State respondents submits on instructions that in 2017, when the appointment of the petitioner was approved, the petitioner was issued a notice to submit relevant documents. The petitioner failed to do so. In 2022, one Mr. Wajed Ali Khan was given appointment on

temporary basis for a period of one year. Thereafter, an advertisement was published in 2024 for fresh appointment as a temporary MMR. The petitioner failed to apply and has approached this Court.

5. There appears to be a communication from the OSD and Ex-Officio Joint Secretary, Government of West Bengal dated July 9, 2024 to the Inspector General of Registration and Commissioner of Stamp Revenue, West Bengal about granting the temporary appointment to the petitioner if the post still remained vacant.
6. It is submitted that the post is vacant, but the application which had been received pursuant to the advertisement, is under process. The matter is now before the Inspector General of Registration.
7. Under such circumstances, this Court is of the view that the writ petition along with the candidature of the person who applied against the advertisement, should be sent to the Joint Secretary to the Government of West Bengal, Department of Law and the said Joint Secretary shall decide the matter on the basis of the communications made earlier and on the basis of the fact situation and pass a reasoned order.
8. Needless to mention, the person who has applied, namely, Mr. Wajed Ali Khan and the petitioner shall be heard. Decision shall be passed by the Joint Secretary to the Government of West Bengal within a

period of two months from the date of communication of this order. As no approval has yet been given in respect of the application of Wajed Ali Khan, the authority shall not take any decision till the matter is disposed of by the OSD and Joint Secretary, as per the direction of this Court. The confusion arises as the law department made the communication after the advertisement was published.

9. Accordingly, the writ petition is disposed of.
10. However, there will be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)