

08.10.2024
Sl. No.10(DL)
srm

W.P.A. No. 25728 of 2024
Chaitali Bhattacharya
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.,
Mr. Akashdeep Mukherjee,
Mr. Omar FRaruk Gazi,
Mr. Badrul Karim,
Mr. Subhajit Sen
...for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Ganguly
...for the State-respondents.

Affidavit-of-service is taken on record.

The order impugned before this Court reflects that the petitioner was suspended from discharging duties as a marriage registrar during the period of illness as it was detected that some of the marriages were registered during her absence from the office. The authority had reason to suspect that the petitioner had outsourced her job to someone else, which was not permissible in law. The relevant portion of the order of the Registrar General of Marriages, West Bengal is quoted below:-

“Now, therefore, in anticipation of being misuse of the log-in id of MARREG Portal and digital signature of the Non-

Official Marriage Officer & Non-Official Hindu Marriage Registrar, I am satisfied to restrain her from performing duty till recovery from illness under Rule 41(1) of the West Bengal Special Marriage Rules, 2010. The pending applications and notices may be transferred to any other competent Non-Official Marriage Officer and Non-Official Hindu Marriage Registrar under Rule 15(1) of the West Bengal Special Marriage Rules, 2010 read with Rule 11(1) of the West Bengal Hindu Marriage Registration Rules, 2010.”

Now, that the petitioner claims to have recovered from her illness and the order impugned indicates that the suspension order was restricted to the period of illness suffered by the petitioner.

The petitioner is given an opportunity to approach the authority for being allowed to rejoin her duties. The order of suspension was restricted to the period of illness. The worry of the petitioner that pending registrations could not be taken care of, is not relevant. The order takes care of such situation. The petitioner has accepted the order and wants to rejoin on the ground that she has recovered. Thus, the contention of Mr. Bandyopadhyay that the petitioner may avail of an alternative remedy, is not relevant.

Once the office of the Registrar General of Marriages, West Bengal, reopens after the Puja holidays, the petitioner will approach the authority with her prayer to join her work.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)