

AD-09
Ct No.09
05.03.2024
TN

WPA No. 25596 of 2023

Sk. Mosibul Hassan
Vs.
The State of West Bengal and others

Mr. Soumen Kr. Dutta,
Mr. Sk. Sayan Uddin

.... for the petitioner

Mr. Debjit Mukherjee,
Mr. Anujjit Mookherji

.... for the State

- 1.** The supplementary affidavit and affidavit-of-service filed today be kept on record.
- 2.** Learned counsel for the petitioner argues that the petitioner applied for the post of MMR in the newly created post under the Kalitala Asuti police station area. Although the petitioner was given a hearing and produced all documents, no decision has been taken as yet by the respondents on the petitioner's said application for appointment as MMR.
- 3.** Learned counsel for the respondents cites an order dated February 05, 2024 passed by this court in WPA No. 27415 of 2023.
- 4.** On the application of the writ petitioner therein for appointment to the same post, it was directed by this court that Rule 9 of the Muhammadan Marriage Registration Rules is to be complied with and the respondents were to take a decision on the application/representation of the petitioner therein for

his transfer to the newly created post within a fortnight from that date. It was further specified that in the event no new appointment had already been made to the newly created post, no such appointment shall be made prior to a decision being taken on the said petitioner's application, as directed thereinabove.

- 5.** In view of such order, it is argued, since no decision has as yet been approved with regard to the writ petitioner therein, the present petitioner's application cannot be decided.
- 6.** There is substance in the submissions of the respondents. However, the petitioner cannot be made to wait indefinitely for that.
- 7.** Accordingly, WPA No. 25596 of 2023 is disposed of by directing the respondents to take a final decision on the approval of the writ petitioner in WPA 27415 of 2023, namely Md. Habibullah Khan, pursuant to the order dated February 05, 2024 as expeditiously as possible, positively within eight weeks from date.
- 8.** Immediately upon a decision being taken on such approval, the petitioner's application shall be consequentially taken up and the outcome of the petitioner's application, depending on the decision taken by the authorities on the application of the writ petitioner in WPA 27415 of 2023, shall be communicated in writing to the petitioner, preferably within a week thereafter.

- 9.** There will be no order as to costs.
- 10.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)