

19.12.2024
Court No. 03
Item No.22
(**Suvenu**)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

WPA 2557 of 2024

Uttara Chowdhury Debnath
-Versus-

The State of West Bengal & Ors.

Mr. Samim Ahamed
Mr. Bikash Singha
Mr. Arko Ranjan Bhattacharya
....for the petitioner

Mr. Subir Kumar Saha, Ld. AGP
Mr. Kumar Shantanu
...for the State

Though affidavit of service is not filed today but the matter is heard in presence of learned advocates representing the petitioner and respondents.

By presenting this writ petition, *inter alia*, petitioner has prayed for her transfer as Non-Official Marriage Officer (NOMO) from Banarhat Police Station to Kotwali Police station, Jalpaiguri on the ground that petitioner is victim of domestic violence and to that extent FIR has been lodged by the petitioner based on which a

criminal proceeding has been initiated and charge-sheet has been filed.

During course of hearing, Mr. Ahmed, learned advocate representing the petitioner has drawn attention of this Court to a communication dated 12th December, 2022 issued by the Registrar General of Marriages, West Bengal addressed to the Secretary to the Government of West Bengal, Law Department relating to transfer of petitioner as NOMO.

Petitioner prays for necessary direction for transferring her as NOMO.

Mr. Saha, learned Additional Government Pleader representing State respondents has filed a report dated 4th December, 2024 prepared by the Special Law Officer and *ex-officio* Deputy Secretary (Law) and same is taken on record.

For adjudication of the issue, penultimate paragraph of the report dated 4th December, 2024 needs to be quoted below:-

“If the Writ Petitioner is appointed as NOMO Kotwali P.S. area in cancellation of her previous appointment as NOMO Banarhat P.S.area, District Jalpaiguri, the policy decision arrived by the State Government will not be violated as the total number of NOMO in Kotwali P.S. area

will be five. The interest of the residents of Banarhat P.S. area will not also be jeopardized, as three NOMOs will be functional there. The State Government will comply with the Order/Direction of this Hon'ble court."

Since it has been reported by the Special Law Officer and *ex-officio* Deputy Secretary (Law) that it is permissible to transfer the petitioner as NOMO from Banarhat Police Station to Kotwali Police Station and that will not be contrary to the policy decision of the concerned State authorities, this Court finds there is no impediment in giving direction upon the concerned State respondents to transfer the petitioner, as prayed for.

Having considered the stand taken on behalf of the State respondents, as it is reflected from the report dated 4th December, 2024, the concerned State respondents are directed to transfer the petitioner as NOMO from Banarhat Police Station to Kotwali Police Station, Jalpaiguri by four weeks from the date of communication of this order.

With the aforesaid direction, writ petition stands disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order if applied for be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)