

10.07.2025.
05
Ct.No.7.
as

WPA 13140 of 2021

Kalpana Biswas (Shil)
Vs.
State of West Bengal & Ors.

Mr. Madhab Sarkar,
Mr. Bikash Chowdhury.

...for the Petitioner.

Mr. Santanu Kr. Mitra, Ld. Sr. Govt. Adv.,
Mr. Subhabrata Das.

...for the State.

1. At the outset, Mr. Mitra, learned Senior Government Advocate appearing for the State respondents, submits that there has been a change in the allocation of business between the Department of Law and the Judicial Department, Government of West Bengal. The issue of appointment of non-official Marriage Officers now falls within the jurisdiction of the Department of Law, Government of West Bengal.

2. In view of the above, the petitioner is granted liberty to implead the Secretary, Department of Law, Government of West Bengal, as a party respondent.

3. Mr. Mitra submits that he has instruction to represent the Secretary, Department of Law, Government of West Bengal as well.

4. The present writ petition has been filed seeking a direction to the concerned respondents to consider the petitioner's claim for appointment to the post of Non-Official Marriage Officer against a vacant position under the Haringhata Block, Nadia.

5. Mr. Sarkar, learned Advocate appearing for the petitioner, submits that in order to fill the vacant post of Non-Official Marriage Officer under Haringhata Block, Nadia, the concerned respondents initiated a selection process. Pursuant thereto, a notification dated 13.08.2015 was issued by the Secretary, Judicial Department, Government of West Bengal, inviting applications from eligible and willing candidates for the said post. The petitioner, being duly qualified, submitted his application and participated in the selection process. Upon being declared successful, his name was recommended and forwarded to the Secretary, Judicial Department, Government of West Bengal, for appointment.

6. However, no further action has been taken since then. This continued inaction has compelled the petitioner to prefer the present writ petition. He prays for a direction upon the competent authority to consider her claim for appointment to the said post.

7. Mr. Mitra submits that the petitioner's claim may be considered, subject to the availability of a vacancy under Haringhata Block, Nadia.

8. Admittedly, a person selected for a post cannot claim an inherent right to appointment to the said post. It is,

however, well-settled law that the State, which enjoys the status of a model employer, cannot arbitrarily terminate or abandon a selection process once initiated. In the present case, the State has failed to demonstrate any valid reason justifying its continued inaction in considering the petitioner's claim for appointment to the post.

9. A communication from the Deputy Secretary dated 2nd February 2016 addressed to the petitioner reflects that the Government of West Bengal had considered the petitioner's name for the post of non-official Marriage Officer based on the selection process conducted by the Selection Committee. Therefore, the communication indicates that the petitioner was successful in securing a place in the merit list.

10. For these reasons, I deem it appropriate to direct the Secretary, Department of Law, Government of West Bengal, to consider the petitioner's claim for appointment to the post of Non-official Marriage Officer for the vacancy position under Haringhata Block, Nadia, in accordance with the law prevailing at the time the selection process was initiated.

11. If the Secretary finds the petitioner's claim to be justified, appropriate follow-up action shall be taken, which shall include the grant of appointment to the petitioner for the said post. However, If he finds that the petitioner's claim is without any substance, a reasoned order shall be passed and communicated to the petitioner within a period

of eight weeks from the date of communication of this order.

12. With this observation, the writ petition is disposed of.

13. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)