

09.02.2026.
Item No. 13.
Court No. 13
ap

**F.M.A. 20 of 2026
With
I.A. No. CAN 1 of 2025**

**Habibur Rahaman
Versus
The State of West Bengal & Ors.**

Mr. Soumen Kumar Dutta,
Mr. Subham Dutta.

...For the appellant.

Mr. Mukteswar Maity,
Sk. Md. Ismail,
Sk. Md. Jayed,
Md. Sofikul Islam.

...For the private respondent.

Mr. Rajarshi Basu,
Mr. Raja Ram Banerjee.

...For the State.

1. The subject appeal is directed against judgment and order dated 28th November, 2025 passed by the learned Single Judge of this Court in W.P.A. 1729 of 2025.

2. The grievance of the appellant before the learned Single Judge of this Court was that his father, who is a certified as Muslim Marriage Registrar (in short “MMR”) by the State, is incapacitated by reason of a hearing disability. He has, therefore, applied to be given the post on compassionate ground.

3. The petitioner’s application was rejected on the ground that he did not possess the qualifications required for appointment of MMR under the Notification of the Government dated 28th June, 2000 which substituted by an earlier Notification dated 14th August, 1929 issued by the Bengal Muhammadan

Marriages and Divorces Registration Act, 1876 (hereinafter referred to as 'the said Rules').

4. Admittedly, the petitioner is neither a Fazil nor Alim in terms of Rule 4 of the said Rules. Rule 5 prescribes that the persons without the aforesaid qualification of Fazil and Alim must have sufficient knowledge of Arabic and the Mohammedan Law of Marriage and Divorce.

5. The learned Single Judge found that the certificate produced by the appellant did not indicate that "he had 'sufficient' knowledge of Arabic or Mohammedan Law of Marriage and Divorce". The learned Single Judge, therefore, refused to exercise discretionary relief under Article 226 of the Constitution of India to interfere with the order rejecting the prayer of the appellant for appointment of MMR on compassionate appointment.

6. What is more baffling to this Court is that the Medical Certificate of the appellant's father indicates 45% of hearing disability. It was further indicated that the hearing may improve with the passage of time.

7. Admittedly, the father's certification as MMR by the State has not yet been revoked.

8. It is not understood under what authority or entitlement in law could the petitioner claim that his father's MMR Registration Certificate has been revoked by the State.

9. In the background of the above, this Court is of the clear and unequivocal view that the writ petition was filed in gross abuse of process of law. The order passed by the learned Single Judge of this Court calls for no interference.

10. F.M.A. 20 of 2026 must fail and is hereby dismissed with costs assessed at Rs.10,000/- (Rupees ten thousand only) payable by the appellant/writ petitioner to the State.

11. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 is also dismissed.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)