

**HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Shekhar B. Saraf, J.

WPA 15203 of 2018

Mahirul Seikh

-versus-

State of West Bengal & Ors.

For the Petitioner : **Mr. Moniruzzaman**

For the State : **Mr. S.N. Mukherjee, Ld. A.G.
Sk. Md. Galib
Mr. Shamim ul Bari**

For the Respondent No.5 : **Mr. Fasiur Rahaman
Ms. Suparna Das
Mr. Soumya Kanti Sinha
Ms. Israt Benazir**

Heard On : **September 22, 2023.**

Judgement On : **September 22, 2023.**

Shekhar B. Saraf, J.

Heard counsel appearing on behalf of the parties.

Learned Advocate General has filed an affidavit on behalf of the respondent no.1 wherein the State of West Bengal has conceded that there were some mistakes in the appointment process.

In the said affidavit, the Government has suggested certain steps that may be taken to correct the said wrong. Relevant paragraph of the said affidavit is delineated hereinbelow:-

“12. Now, to resolve the issue, the Government of West Bengal may take the following steps with the leave of the Hon’ble High Court at Calcutta:

- a) There is office of MMR for Mayurwar Police Station, but no office of MMR is created and/or established for Mallarpur Police Station and therefore the State Government may create and/or establish separate office of MMR in Mayureswar Police Station area in the district of Birbhum.*
- b) The appointment process, initiated by the District Registrar, Birbhum for appointment of temporary MMR in Mayureswar (Mallarpur) Police Station area in the year 2017 may be cancelled.*
- c) The State Government may request the IGR, West Bengal and the District Registrar, Birbhum for initiation of recruitment process for appointment of MMR in Mayureswar and Mallarpur Police Station afresh. The notice inviting application for the post of MMR in two Police Station areas shall be published at least in two newspapers and the candidates shall be given at least 15 days time for submission of application from the date of publication of notice.*
- d) All the five candidates named in the panel including the writ petitioner and the private respondent no.5 herein shall be given the opportunity to participate in the fresh recruitment process. The upper age limit of the candidates whose name are appearing in the present panel shall be deemed to have been relaxed by the State Government and their candidature shall be considered if they are otherwise suitable for appointment as MMR in Mayureswar and Mallarpur Police Station, as the case may be.*

- e) The entire recruitment process for appointment of MMR in Mayureswar and Mallarpur MMR offices shall be completed within six months.*
- f) The District Registrar, Birbhum shall cancel the appointment of Md. Nazrul Islam from the post of temporary MMR of Mallarpur and Mayureswar Police Station areas. The District Registrar shall appoint one MMR of any adjoining Police Station area for discharging the duties of MMR in Mayureswar and Mallarpur Police Station in terms of Rule 3(b) of the Muslim Marriage Registrar Rules, 1929.”*

Considering the above, all parties are agreeable to the suggestion made by the learned Advocate General in his affidavit.

Counsel appearing on behalf of the petitioner has prayed that the appointment procedure be expedited.

Accordingly, this Court is directed that the entire recruitment process for appointment of MMR in Mayureswar and Mallarpur Police Station should be completed within three months from date and the steps provided in the affidavit should be followed. The appointment of the private respondent is terminated and he shall be allowed to participate in the fresh recruitment process along with the petitioner.

The D.I.G. Registration, Range-XI and District Registrar, Birbhum in-Charge is present in Court and his personal appearance is dispensed with.

With these above directions, WPA 15203 of 2018 is disposed of.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)

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