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17.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 20391 of 2025

Sk. Salman Ali
Vs.
State of West Bengal & Ors.

Mr. Samim Ahammed.
Mr. Arka Maiti.
Ms. Ambiya Khatun.
Md. Nasirul Haque.

... For the petitioner.

Mr. Tanweer J. Mondal.

...For the State.

Mr. Sobhan Majumdar.
Ms. Kalpita Paul.

... for the respondent no. 7.

1. The petitioner challenges the appointment of the private respondent as Muslim Marriage Registrar despite his name appearing at serial no. 3 of the recommendation made by the respondent authority.
2. The petitioner stood at serial no. 1 and his name was recommended by the Principal Secretary (Law) for appointment of MMR, but the private respondent has been engaged as MMR taking into consideration the experience that he obtained by working as a Kazi.
3. Rule 3(a) of the Bengal Muhammadan Marriages and Divorces Registration Rules, 1929 prescribes the procedure for selection of candidates for Muhammadan registrarship in districts other than Kolkata.

4. There is a provision for the Government to recommend any one out of the three persons mentioned in the select list or for any special reason to select any other candidate from rest of the candidates.
5. In the present case, the candidate who featured at serial no. 3 in the select list has been appointed.
6. The reason for his appointment as communicated to the petitioner under the Right to Information Act is the experience that the said candidate acquired for being acting as Kazi in the year 2023.
7. It has been noted that as the private respondent has gained considerable experience in Muhammadan Marriages Registration related work, the private respondent may be engaged as MMR.
8. The petitioner contends that the Kazis are no way connected with registration of Muslim marriages. They are only responsible for performing the ceremonies, celebrations and rituals relating to the marriages.
9. Prima facie, it appears that the private respondent is already serving as a kazi and his name features at serial no. 3 in the select list. The petitioner is an unemployed candidate and he seeks to be appointed as MMR and his name features at serial no. 1 in the select list.
10. Learned advocate representing the State respondents is directed to revert with written instruction as to what was the special reason to engage the private respondent even though he was working in a different capacity by ignoring the right of the petitioner to be appointed as MMR as he secured the first position in the select list in terms of his merit.
11. Re-list the matter on 28th October, 2025.

(Amrita Sinha, J.)