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28.10.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 20391 of 2025

**Sk. Salman Ali
-versus-
State of West Bengal & Ors.**

**Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Ambiya Khatun,
Md. Nasirul Haque,
Ms. Reshma Khatun.
...For the Petitioner.**

**Mr. Tanweer S. Mondal.
...For the State.**

**Mr. Sobhan Majumder.
...For the Respondent No.7.**

1. Report by the Principal Secretary, Law Department, Government of West Bengal dated 8th October, 2025 placed in Court today is taken on record.

2. On a perusal of the same it appears that the writ petitioner was not given appointment as Muslim Marriage Registrar on the exclusive decision of the Minister-in-Charge of Law & Judicial Department, Government of West Bengal in spite of the fact that the Principal Secretary recommended the name of the writ petitioner.

3. As, according to the Principal Secretary, the decision of the Minister-in-Charge is a final one, accordingly, appointment was given in favour of the candidate whose name featured in the third position of the select list.

4. The reason why the Minister-in-Charge appointed the private respondent, as quoted by the Principal Secretary, is quoted herein below:-

“However, it appears from the office record that the State Government has already appointed Sk. Amirul Islam as the Kazi of Haripal in exercise of the powers conferred under Section 2 of the Kazis Act, 1980 vide Order No. 815-L(St.) dated 12.09.2023. As the work of M.M.R. has close proximity with the work of that of an M.M.R. in any specific area, it may be said that Sk. Amirul Islam has gained considerable experience in Muhammadan Marriage registration related work.”

5. The Principal Secretary has mentioned that the statute is silent about the question as to whether the role of Kazi is connected with registration of Muslim marriages and the reason shown by the Minister In-Charge is his personal experience.

6. Rule 3(a) of the rules relating to appointment of Muslim Marriage Registrars and the procedure for selection of candidates as lays down that on occurrence of the vacancy in the post of Mohammedan Registrar, the Registrar shall, at once, make a temporary appointment to carry on the work of the office, intimate the vacancy to the Inspector General of Registration and invite applications for the permanent post. On receipt of the applications, the Registrar will forward the same to the Inspector General of Registration after recommending the order of preference the best four of the applications and merely noting on the others “not recommended”. On receipt of the applications, the Inspector General of Registration is to ask the Permanent Committee to consider them along with his remarks and the remarks of the Registrar, as the case

may be, and submit their recommendations putting forward three names for each vacancy in order of preference. The recommendations are, thereafter, required to be communicated to the Government who will select one out of three names or, for any special reason, may select any other from the rest of the candidates.

7. In the instant case, it appears that the Principal Secretary issued the notification of the appointment of private respondent solely relying on the recommendation of the Minister in-Charge who took into consideration the experience gained by the private respondent acting as Kazi.

8. Whether the recommendation of the Minister-in-Charge could have been given so much of weight for providing appointment to the private respondent despite the private respondent obtaining far less marks than the first recommended candidate and whether the act of functioning as Kazi can be treated to be a special reason for recommending appointment of the private respondent as MMR is required to be adjudicated by the Court.

9. The parties are directed to come ready for arguing on the above issue on the returnable date.

10. Relist the matter on November 12, 2025.

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

12. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)