

GAHC040013712023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/482/2023

Johakso Manyu
S/o Late Sola Manyu, R/o Mekailiang (Koraliang) Village, P.O and P.S Tezu, Lohit
District, A.P

VERSUS

The State of AP and 4 Others
represented herein through Chief Secretary Govt. of A.P, Itanagar. 2:The Secretary
Age: 0
Occupation :

3:The Jt. Secretary (Law) and Director (Litigation)
Age: 0
Occupation :

4:The Deputy Commissioner
Age: 0
Occupation :

5:The Extra Assistant Commissioner
Age: 0
Occupation

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

09.10.2023

Heard Mr. S. Mow, learned counsel for the petitioner. Also heard Mr. R.H. Nabam, learned Addl. Advocate General, Arunachal Pradesh, appearing for the respondents.

2. This writ petition has been filed for directing the Deputy Commissioner, Lohit District, Arunachal Pradesh/respondent No. 4 herein to circulate the name of the petitioner as Notary Public in the District of Lohit as per the Notification No. Jud-50/2004 Pt-1, dated 08.08.2023 issued by the Commissioner (Law), Govt. of Arunachal Pradesh, wherein he has been appointed as Notary Public for Lohit District.

3. The grievance of the petitioner, in brief, is that the Dept. of Law and Justice, Govt. of Arunachal Pradesh, issued an advertisement vide notification No. Jud 50/2004, dated 24.06.2020, inviting applications from intending candidates for appointment as Notary Public in the state of Arunachal Pradesh. Pursuant to the aforesaid advertisement, the petitioner submitted his candidature for the said post along with his requisite credentials and the interview was held on 08.02.2023 to 09.02.2023. The result of the interview was declared vide notification F.No.JUD 50 N/2004 Pt-1, dated 01.06.2023 with the heading- "Notary Public Result Notification" containing the list of district wise candidates recommended by the Interview Board for appointment as Notaries for the State of Arunachal Pradesh. The petitioner is one of the candidates so recommended for Lohit District, at serial no.5 of the list, bearing

Roll No. 202313. The notification further required the recommended candidates to submit, *inter alia*, Original No Objection Certificate (NOC) for appointment as state notary public from the Deputy Commissioner concerned. Accordingly, the petitioner was appointed as Notary Public in Lohit District vide notification No. Jud-50/2004 Pt-1, dated 08.08.2023, which was issued in continuation of notification, dated 21.07.2023, whereby Notary Public were appointed for various districts in the State. The petitioner was given a certificate of practice as Notary in Lohit district, bearing Notary Regd. No. 36/2023.

4. As per the Notification No.Jud-50/2004 Pt-1, dated 08.08.2023 issued by the Commissioner (Law), Govt. of Arunachal Pradesh, the Deputy Commissioner, Lohit District, Tezu/respondent No. 4 herein was requested to circulate the notification in subdivision, circle of his district. The said notification was made available to the office of the respondent No. 4 on 24.08.2023 for circulation as per the notification. But till today the said notification has not been complied with in respect of the petitioner whereas, the Deputy Commissioner, Lohit District Tezu has issued circulation in respect of other Notaries (Sri Biju Biswas and Kumar Dorjee as Notary Public for Lohit District) on 22.08. 2023 as per the Notification No. Jud-50/2004 Pt-1, dated 21.07.2023. On the other hand, on 28.08.2023, petitioner came to know that his notarized legal instruments/documents have not been accepted by the subordinate officers working under the respondent No.4 as per his oral instructions. Hence, the petitioner has filed the instant writ petition.

5. A perusal of the case record reveals that by a notification, dated 08.08.2023, issued by the Commissioner (Law) to the Govt. of Arunachal Pradesh published the names of 03(three) Notaries including the petitioner in Sl. No.2 and issued the Certificate of Practice on the same day. Accordingly, the

Deputy Commissioner, Lohit District, Tezu/respondent No. 4 herein although by a Circular, dated 22.08.2023, circulated the appointment of one Biju Biswas and Kumar Dorjee as Notary Public in respect of Lohit District, Arunachal Pradesh, the name of the petitioner was not circulated and notarized documents under his signatures were not accepted and returned the same.

6. Being aggrieved, the petitioner submitted a representation to the respondent No. 4, but the same has not been considered and disposed of till date.

7. Therefore, without passing any adverse comment on the conduct of the Deputy Commissioner, Lohit district/respondent No. 4 for the above act, it is provided that he (respondent No. 4) shall issue appropriate circular appointing the petitioner as Notary Public in the district of Lohit as per the notification, dated 08.08.2023, referred to above or alternatively dispose of the representation filed by the petitioner to him on 24.08.2023 by a speaking order, within a period of 15(fifteen) days from the date of receipt of a certified copy of this order, which shall be furnished by the petitioner forthwith.

With the above direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant