

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9265 of 2013

Harihar Nath Verma S/O Late Jai Narayan Prasad Verma R/O Mohalla-  
Chandmari, Police Station- Motihari, Practicing Advocate- Motihari Civil Court At  
Motihari

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Department Of Law Cum Legal Remembrancer, Government Of Bihar, Patna
3. The District Magistrate, District- East Champaran

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kr. Singh  
For the State : Mr. AC to AAG 15

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL JUDGMENT**

**Date: 10-02-2016**

Heard Mr. Pramod Kr. Singh for the petitioner as  
well as AC to AAG- 15 for the State.

A counter affidavit has been filed on behalf of  
respondent no.2.

Precisely, the grievance is that the number of  
appointments of Notaries in the district of East Champaran,  
Motihari be effectively increased and payment be made  
thereagainst.

In the counter affidavit filed on behalf of respondent  
no.2, it has been stated as under in paragraph 7:-

*“7. That with regard to the statement made in para  
no.6,7 and 11 it is stated that Notaries Act is a*



*Central Act and as per Rule 8(4) (a), the schedule provides maximum number of Notaries to be appointed by the State Government is 925 and the number of Notaries for the East Champaran has been fixed as 32. It is further relevant to mention here that vide G.S.R. 330(E) dated 09.05.2001 such strength of Notaries has been decided by the Ministry of Law and Justice, Government of India, Considering the population and number of courts in the District, number of Notaries has been determined by the Law Department, Bihar. It is also stated that so far as the question of raising the number of Notaries in Bihar is concerned, that is under the domain of Government of India and the State Government of Bihar can not change it on its own.”*

It further appears from Annexure-D to the counter affidavit that the State Government have made request in this regard before the appropriate/competency authority in the Department of Legal Affairs (Notary Cell) Govt. of India. Unless and until the number of Notaries is increased by effecting amendment in schedule II of the Notaries Rules, 1956, the appointment/payment of the Notaries in excess of the number provided in Rules cannot be made.

Seen thus, in my view, the case is disposed of

permitting the petitioner to ventilate his grievance before the competent/appropriate authority of the Central Government in the light of the communication of the State Government, copy whereof has been enclosed as Annexure-D.

The writ application stands disposed of.

**(Kishore Kumar Mandal, J)**

HR/-

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