

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 3747 of 2017
Decided on 04.9.2017.**

Surjit Singh

--Petitioner

Vs.

Union of India and another

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Sarbjit Singh, Advocate, for the petitioner

Mr. O.P.Dabla, Advocate, for the respondents

Rakesh Kumar Jain, J: (Oral)

The petitioner has prayed for issuance of a writ in the nature of Certiorari for quashing the order dated 08.12.2015 by which his request for renewal of 'Certificate of Practice as Notary' has been declined on the ground that he has not applied in time.

Learned counsel for the petitioner has submitted that the petitioner was appointed as Notary in the year 2005 and his Certificate was up to 21.10.2010. Thereafter, he got it renewed up to 22.10.2015. The petitioner has admittedly applied for renewal on 10.7.2015, whereas Rule 8-B of the Notaries Rules, 1956 (for short, 'the Rules') provides that the application for renewal of Certificate has to be made to the appropriate Government before six months from the date of expiry of it's

period of validity. Meaning thereby, the petitioner was required to apply for renewal of Certificate of Practice up to 21.4.2015, whereas he had applied on 10.7.2015 i.e. two months and 28 days after.

Learned counsel for the petitioner has submitted that the application was delayed because the petitioner was having severe pain in his knee which was in plaster. He has obtained the certificate Annexure P-3 from Sai Sukhmani Hospital, Lodhi Road, Sultanpur Lodhi. It is submitted that even if the petitioner was late in applying, the appropriate Government still had the jurisdiction to consider his application in view of the proviso to Rule 8-B of the Rules.

On the other hand, learned counsel for the respondents has submitted that there is no question of consideration of his application because it was not accompanied with the Certificate issued by Sai Sukhmani Hospital, as per which he was having plaster on his knee.

Learned counsel for the petitioner has been very fair in submitting that the petitioner does not have the application dated 10.7.2015.

I have heard learned counsel for the parties and perused the record with their able assistance.

'Certificate of Practice as Notary' is covered by the Notaries Rules, 1956 amended in the year 2014. Rule 8-B of the Rules is relevant for the purpose of the present case which is reproduced below:-

“8B. Renewal of Certificate of Practice-

The Certificate of Practice issued under sub rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee.

Application for renewal of Certificate of Practice shall

be submitted to the appropriate Government before six months from the date of expiry of its period of validity.

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specific period”.

The aforesaid rule provides that Certificate to Practice as Notary is renewed for further five years on payment of prescribed fee but the application for renewal has to be submitted to the appropriate Government before six months from the date of expiry of said period of validity. Proviso to Rule 8-B of the Rules says that appropriate government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the specific period. Meaning thereby that the hardship has to be mentioned in the application and relaxation has to be sought by the applicant from the appropriate Government.

In the present case, the petitioner even does not have the application moved by him on 10.7.2015 from which the Court can infer as to whether hardship was really mentioned in the application for consideration of the appropriate Government for condonation of delay.

Besides this, the application filed by the petitioner was not accompanied with the alleged certificate issued by Sai Sukhmani Hospital by which it was opined that the petitioner is suffering from some knee ailment.

Be that as it may, even if the petitioner was suffering from

knee ailment he could have applied in time as the ailment of the petitioner was not such which could have stopped him from applying for the renewal of Certificate of Practice specially when the petitioner was an Advocate and knew the time within which the certificate of practice has to be obtained.

Looking from any angle, I find that there is hardly any reason to interfere in this petition.

Dismissed.

04.09.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.