

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(112)

CWP-8289-2017

Decided on: April 24, 2017.

Ravi Kumar

.... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Paramjit Singh Jammu, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner is aspired to become a Notary being an Advocate.

Through instant writ petition, he has impugned the selection of 203 Notaries while impleading 37 persons claiming them to be lower than the petitioner on the basis of comparative merit. He claims that the said selected candidates did not fulfill eligibility criteria and had not attached the requisite documents. He has pointed out various defects. He has submitted that in column No.4 the documents which were required of the candidates, have been mentioned but without those documents the private respondents have been selected as per the requirement of Rule 6 of the Notary Rules, 1956.

I have heard learned counsel for the petitioner.

The petitioner had filed a statutory review application maintainable under Rule 8 (3) of the Notary Rules, 1956 which enables a rejected candidate to file a review application to the appropriate Government within a period of sixty days after the receipt of the order of selection. The said review application Anenxure P-2/A was ordered to be decided within a period of one month by a Coordinate Bench of this Court

in CWP-14659-2016. Petitioner filed a contempt petition for non-compliance of the order of the High Court. The petitioner was informed that his representation had been dismissed vide order Annexure P-5 dated 09.11.2016. On further clarification sought in COCP-2529-2016, the Deputy Legal Adviser and CA (Notary) of the Legal Affairs, Ministry of Law and Justice had given an affidavit, copy of which has been placed on record as Annexure P-6.

Through instant petition, the petitioner has questioned the illegality of the order Annexure P-5 and has claimed that he has been treated with discrimination in violation of Article 14 of the Constitution of India as the private respondents who did not fulfill the eligibility by producing the required documents, have been selected whereas the petitioner has been rejected though he was at a better footing on merits than the said respondents.

I have heard learned counsel for the petitioner and I am of the opinion that the pleas taken up by the petitioner in the present writ petition are beyond the statutory review petition and the grievance of discrimination has been, for the first time, raised before this Court on the basis of the allegation that selected candidate also did not fulfill the eligibility condition by producing all the material documents.

With the assistance of learned counsel for the petitioner, I have gone through the deficiency pointed out by the petitioner and found that documents which were required in cases of private respondents pertained to either demand draft of Rs.2,000/- or the original LLB degree.

Perusal of impugned order Annexure P-5 indicates that the Notaries have been appointed on the basis of performance of the candidate

by the Interview Board at the time of interview and the name of the petitioner had not been recommended by the Interview Board and no reasonable ground for review of the decision having made out, the review petition was dismissed.

Since the petitioner has not been able to satisfy this Court as to how he has been discriminated against the private respondent where the selection has been made by Interview Board, I do not find any ground to interfere in the selection of the private respondents.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

April 24, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No