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

**CWP No.29152 of 2017
Date of decision: May 22, 2018**

Shri Bhagwan ...Petitioner

Versus

Union of India and another ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ramesh Hooda, Advocate,
for the petitioner.

Mr. Rajvir Singh Sihag, Central Government Counsel,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the letter/order dated 07.06.2017 by which his application for renewal of his Certificate of Practice as a Notary has been declined and the renewal fee deposited by him has been returned.

In brief, the petitioner was issued the Certificate of Practice as a Notary in District Rohtak, Haryana for a period of 5 years on 18.03.2005 under the Notaries Act, 1952 read with the Notaries Rules, 1956 (hereinafter referred to as the "Rules"). After completion of 5 years, the petitioner applied for renewal of the Certificate of Practice for another 5 years and the renewal certificate was issued on 29.03.2010 for another period of 5 years w.e.f. 18.03.2010. Since the aforesaid term of 5 years was to expire on 17.03.2015, the petitioner applied on 02.03.2015 for further renewal and sent the

application along with the prescribed fee. It is alleged that Rule 8B of the Rules was amended w.e.f. 04.03.2014, as per which the application for renewal of Certificate of Practice was required to be filed six months prior from its expiry. However, as per the proviso to this Rule, this period of six months can be relaxed by considering the reason stated in the application. It is further averred that the petitioner was not aware of Rule 8B of the Rules but when he came to know about the delay on his part in making the application, he filed another application for clarifying the delay. However, the application of the petitioner has been rejected vide the impugned letter/order dated 07.06.2017.

Counsel for the petitioner has submitted that the petitioner, who is 56 years of age, could not apply in time because he was looking after his ailing old aged parents. It is also averred that the petitioner is earning his livelihood only by way of practicing as a Notary.

In the reply filed by the respondents, it is averred that the application filed by the petitioner for renewal of his Certificate of Practice was received on 16.04.2015, almost after one month from expiry of the Certificate of Practice earlier issued to the petitioner which had expired on 18.03.2015, whereas the petitioner was required to submit his application for renewal six months prior to expiry of the Certificate of Practice, i.e. on or before 18.09.2016. It is further averred that in the application filed by the petitioner for renewal, no reason was assigned about the delay having been caused and the subsequent application filed by him, assigning the reasons, could not have been entertained.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no merit in the

present petition. It is categorically provided in the proviso to Rule 8B of the Act 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 specified period. The “application” mentioned in the proviso is the application which was filed by the petitioner at the time of seeking renewal of certificate and is not the subsequent application, which would be clearly an afterthought. In this regard, reference could be had to the judgment rendered by this Court in the case of **Neeraj Kumar Maheshsari vs. Union of India and another**, 2017(4) PLR 145.

In view of the above, there is hardly any error in the impugned order dated 07.06.2017 which do not call for any interference by this Court.

Dismissed.

May 22, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No