

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

CWP No.15489 of 2019

Date of Decision : 15.10.2019

Islam Khan Advocate and others

....Petitioners

Versus

Union of India

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Mr.Mohammad Arshad, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record the petitioners herein, who are five in number, had submitted applications in the month of March 2018 for being appointed as Notaries.

Instant writ petition has been filed raising a two-fold prayer – (i) seeking a writ of Mandamus for directing the respondent-Ministry of Law and Justice Department of Legal Affairs (Notary Cell), Government of India to consider their names for the post of Notary on the premise that they are more meritorious than other candidates who had also applied and have been appointed from Ferozepur Jhirka, District Nuh, Mewat; and (ii) for directing the respondent to take a final decision on a review application (Annexure P-7) that had been submitted by the petitioners as regards their non-appointment as Notaries.

Counsel would submit that petitioners had applied for the post of Notary as they fulfilled the essential eligibility conditions in terms of qualifications as also experience. Their applications having

been scrutinized, the petitioners were called to appear before the interview board on different dates. However, no order has been communicated to them justifying their non-selection/appointment.

During the course of hearing counsel would confine the scope of the instant petition only with regard to the prayer for directing the competent authority to take a final decision on the review application that the petitioners have submitted (Annexure P-7).

Having heard counsel at length, this Court is of the considered view that no intervention in the matter is called for.

As per the Notaries Rules, 1956, which have been framed in exercise of powers conferred by Section 15 of the Notaries Act, 1952, the qualifications for appointment as a Notary have been delineated in Rule 3. Rule 4 lays down the procedure for submitting an application for appointment as a Notary. Rule 6 defines the preliminary action to be taken on an application submitted by a candidate. As per Rule 7 if a recommendation is made upon scrutiny of an application, the applicant concerned would be permitted to appear before an interview board. Rule 7-A lays down the constitution of the interview board. Under Rule 7-A itself the interview board is to submit its recommendations after conduct of the interview to the appropriate government and upon which the appropriate government would consider the recommendations made by the interview board under Rule 8 and then take a decision either to allow the application or to reject the application. Under Rule 8(2), the appropriate

government is obligated to inform the applicant as regards the order/decision in respect of the recommendations having been made by the interview board.

Apparently, in the facts of the present case the applications submitted by the petitioners having been scrutinized, their names had been duly forwarded so as to permit them to participate in the interview process. The petitioners accordingly were duly interviewed as and when they appeared before the interview board on different dates. It is the conceded case of the counsel himself that the interview board had not recommended the names of the petitioners for appointment of a Notary to the appropriate government/competent authority.

In spite of the counsel being repeatedly called upon to refer to the provisions under the Notaries Act, 1952 or the Notaries Rules, 1956 whereunder a review application is maintainable in a situation where an applicant has appeared before the interview board and whose name has not been recommended to the appropriate government, the response is in the negative.

The review applications placed on record at Annexure P-7 that the petitioners may have preferred are not on the strength of any statutory provision/executive instructions issued by the competent authority.

No Mandamus as such would issue to direct the respondent to take any decision on such review application.

For the reasons afore-stated, there is no merit in the instant

petition.

Dismissed.

15.10.2019

dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No