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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision :26th September, 2019

+ **LPA 253/2019**

UNION OF INDIA & ANR

..... Appellants

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Mr. Ramneek Mishra and Mr. Abhishek Rana, Advs.

versus

GARNEGAR SINGH

..... Respondent

Through: Mr. Dhruv Dwivedi and Mr. Ayush Arora, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

26.09.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

LPA 253/2019

1. This Letters Patent Appeal has been preferred by the original respondent in WP(C) No. 12918/2018, which was allowed by the learned Single Judge, *vide* judgement and order dated 11th December, 2018, whereby the learned Single Judge permitted that the case of this respondent (original petitioner) may be considered by taking his interview for appointment for the post of Notary Public.

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that the letter with the details

of the interview to be held, did not reach the respondent (original petitioner). It was a mistake on the part of the appellant, as they had sent the interview letter to the wrong address.

3. Thus, a chance ought to have been given to the respondent (original petitioner) to be interviewed by the Interview Board. Much has been argued by the counsel for the appellant (original respondent) that they will have to now re-constitute a Board. We are not in agreement with this contention, mainly for the reason that looking to Rule 7A of the Notaries Rules, 1956, the Board to be constituted is of their own officers. The officers can assemble at any time of a day and can interview the respondent (original petitioner), so that the mistake, which has been committed by the appellant, of sending an interview letter to the wrong address, can be corrected and the purpose of filing of the petition can be served.

4. Thus, it is not too difficult for the appellant to constitute a Board. As per Rule 7A of the Notaries Rules, 1956, the officers just have to sit and interview the respondent, which exercise has been permitted by the learned Single Judge. We see no reason to interfere with the order of the learned Single Judge, looking to the aforesaid aspect of the matter. Hence, there is no substance in this Letters Patent Appeal.

5. The process of interviewing of the respondent (original petitioner) shall be completed as early as possible and practicable, preferably within a period of eight weeks from the date of receipt of the order of this Court. The case of the respondent (original petitioner) shall be considered on his own merits, in accordance with rules, regulations and Government policies, as well as without being

influenced by the order of the learned Single Judge and the order passed in this Letters Patent Appeal.

6. With these observations, this Letters Patent Appeal is, hereby, disposed of.

CM Appl. No. 17202/2019 (stay)

1. In view of the order passed in the appeal, this Civil Miscellaneous Application is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

SEPTEMBER 26, 2019

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