

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.4584 of 2021
and W.M.P.No.5209 of 2021

K.Chandrasekar

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai - 600 028.

2.The District Registrar,
The District Registrar Office - Chennai North,
Kuralagam, 1st Floor, Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the Application N.14 dated 03.02.2021 of the petitioner and consequently pass an order permitting the petitioner to participate in the interview to be held on 24.02.2021 for the post of Stamp Vendor.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.T.M.Pappaiah for R1 & R2
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the Application N.14 dated 03.02.2021 of the petitioner and consequently pass an order permitting the petitioner to participate in the interview to be held on 24.02.2021 for the post of Stamp Vendor.

2.It is the case of the petitioner that he is a physically challenged person and pursuant to the notification dated 03.02.2021 issued by the first respondent, he had applied for Stamp Vendor license for North Chennai Area. According to the petitioner, on 04.02.2021 itself, he had applied for solvency

certificate which is a mandatory requirement for the grant of Stamp Vendor license. However, according to him, solvency certificate was issued by the Tahsildar only on 16.02.2021 i.e. after the deadline fixed by the respondents for submission of solvency certificate i.e. on 12.02.2021.

3.The petitioner has given representation on 12.02.2021 and 17.02.2021 to the respondents enclosing the solvency certificate and requested them to permit him to appear for the interview scheduled to be held on 24.02.2021. According to the petitioner, despite the said representation, no response has been received from the respondents. In such circumstances, this writ petition has been filed.

4.Admittedly, the petitioner has submitted an application for Stamp Vendor license on 03.02.2021 itself which is the date of the notification calling for application for issuance of Stamp Vendor license.

5.It is also the case of the petitioner that he is a physically challenged person and he had applied for solvency certificate from the Revenue Authorities on 04.02.2021 itself. As per the notification, the solvency certificate is a mandatory requirement for the grant of Stamp Vendor license. According to the petitioner, the solvency certificate was received by him from the Tahsildar only on 16.02.2021 i.e. after the deadline fixed by the submission of the application. Hence, the petitioner has given representations on 12.02.2021 and 17.02.2021 requesting the respondents to permit him to participate in the interview scheduled to be held on 24.02.2021. Since the representations have not been considered, the petitioner has approached this Court.

6.The disability certificate of the petitioner dated 26.12.2019 has also been filed along with typed set of papers which will disclose that the petitioner is suffering from locomotor disability.

7.Heard Mr.N.Nithianandam, learned counsel for the petitioner and Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the respondents 1 and 2.

8.Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the respondents 1 and 2, on instructions would submit that since interview is scheduled for tomorrow (i.e. on 24.02.2021), it will be difficult for the respondents to accede to the request of the petitioner as per his representations dated 12.02.2021 and 17.02.2021. However, the learned counsel for the petitioner would submit that no prejudice will be caused to the respondents if the petitioner is allowed to participate

in the interview which is scheduled to be held on 24.02.2021 and 25.02.2021. He would submit that the petitioner being a physically challenged person must be accommodated in the proposed interview scheduled to take place on 24.02.2021 and 25.02.2021. He also submitted that immediately after the notification dated 03.02.2021, the petitioner had applied for solvency certificate, but the same was issued by the Tahsildar only on 16.02.2021 for no fault of his. According to him, since there was no laches on the part of the petitioner, the petitioner's application seeking for Stamp Vendor license ought to be entertained and he must be allowed to participate in the interview scheduled to be take place on 24.02.2021 and 25.02.2021. He further submit that the representations given by the petitioner on 12.02.2021 and 17.02.2021 has been duly acknowledged by the respondents and despite the same, the respondents have not permitted the petitioner to participate in the interview, scheduled to be take place on 24.02.2021 and 25.02.2021.

9.This Court after hearing the rival submissions is of the considered view that there is no laches on the part of the petitioner in getting the solvency certificate. Immediately after the notification was issued on 03.02.2021, the petitioner had applied for the solvency certificate which was issued by the Tahsildar only on 16.02.2021 i.e. after the deadline fixed for submission of the application for Stamp Vendor license on 12.02.2021 for no fault of his. The petitioner is deprived of his right by the respondents to participate in the scheduled interview i.e. to take place on 24.02.2021 and 25.02.2021 to select Stamp Vendors.

10.The petitioner has given representations on 12.02.2021 and 17.02.2021 requesting the respondents to accept his application as well as the solvency certificate submitted by him beyond the date of the deadline fixed under the notification dated 03.02.2021. Admittedly, the said representations have not been considered till date. The respondents ought to have considered the representations one way or other. But, they have not done so.

11.The petitioner being a physically challenged person must be given opportunity to participate in the selection process for the selection of Stamp Vendor.

12.This Court is of the considered view that no prejudice will be caused to the respondents if the petitioner's representations is considered on merits and in accordance with law that too when the petitioner being able to establish before this Court that the delay in getting the solvency certificate was not due to his fault. Therefore, the contention of the

learned Government Advocate for the respondents that the representations of the petitioner seeking for extension of time in submitting the solvency certificate has been submitted at the last hour has to be rejected. This Court will also have to give due consideration to the fact that the date of notification was on 03.02.2021 but the deadline has been fixed under the said notification on 12.02.2021 within 10 days from the date of notification.

13.For the foregoing reasons, this Court directs the first respondent to treat the representations of the petitioner dated 12.02.2021 and 17.02.2021 given to the second respondent as if it was given to the first respondent requesting the respondents to accept the solvency certificate submitted by the petitioner beyond the deadline and permit him to participate in the interview scheduled to be held on 24.02.2021 and 25.02.2021 for stamp vendor license and pass final order on merits and in accordance with law on or before 24.02.2021.

14.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

1.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai - 600 028.

2.The District Registrar,
The District Registrar Office - Chennai North,
Kuralagam, 1st Floor, Chennai - 600 018.

W.P.No.4584 of 2021

CA(CO)
RMP(24/02/2021)