

16.02.2023
sayandeep
Sl. No. 14
Ct. No. 05

WPA 1248 of 2023

Pradip Kumar Syamal & Anr.
-Versus-
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Kallol Kumar Maity
..... for the petitioners

Mr. Rajarshi Basu
Mr. K.M. Hossain
.....for the State

There is nothing in the writ petition to show that the two writ petitioners can maintain a common cause of action. The petitioner No. 1 is aggrieved by a communication dated 3rd January, 2023 from the Joint Secretary, Government of West Bengal stating that the petitioner's rejection to the Notary Panel of the Law Department of the State is due to discrepancy of the petitioner's name in the document. The 2nd petitioner is aggrieved by a letter of the same date but for a different reason; namely, interpolation in the Experience Certificate.

On perusal of the documents placed before the Court, it is evident that the first name as well as the surname of the petitioner No. 1 varies in the document which were placed before the petitioner No. 1. With regard to the second petitioner, the interpolation in the document issued by the Additional CJM, Contai on 29th September, 2020 shows that a material part of the

document was written by hand and squeezed in between the lines.

Rule 8(3) of The Notary Rules, 1956 provides that any applicant who is aggrieved by a rejection of his/her application may within 60 days of the date of the order apply to the appropriate Government for reviewing the order and the Government may, on making further enquiry pass such order as it considers necessary.

The petitioners hence have a statutory remedy available to them which the petitioners can well avail of.

Since it is arguable whether both the petitioners can maintain the same writ petition, this Court is not inclined to interfere with the impugned orders/communications.

WPA 1248 of 2023 is accordingly disposed of with liberty to the petitioners to explore the alternative statutory remedy under the 1956 Rules.

It is made clear that the application must be made in terms of the time limit under Rule 8(3) of the 1956 Rules.

(Moushumi Bhattacharya, J.)