

AD-23
Ct No.09
25.09.2023
TN

WPA No. 12981 of 2023

Sunil Kumar Pradhan
Vs.
The State of West Bengal and others

Mr. Tanmoy Mukherjee,
Mr. Kallol Kumar Maity,
Mr. Rudranil Das

.... for the petitioner

Mr. Amal Kr. Sen,
Ms. Ashima Das (Sil)

.... for the State

- 1.** Learned counsel for the petitioner contends that initially the petitioner's application for being appointed as a Notary was rejected. Subsequently, on a review pursuant to a liberty granted by a coordinate Bench, the same decision was reiterated, giving reasons. Challenging the said order of rejection dated April 20, 2023, learned counsel submits that both the grounds of refusal are not tenable in the eye of law.
- 2.** First, it was held that there are discrepancies in the name of the present applicant in different documents. Learned counsel, by placing various portions of the impugned order itself, submits that there is substantial corroboration of the fact

that the petitioner's name is actually Sunil Kumar Pradhan.

- 3.** The other ground of refusal, it is submitted, is also not acceptable, since it was alleged that the certificate produced in favour of the petitioner by the Additional Chief Judicial Magistrate is substantially relevant, even without the portion inserted by hand. It is argued that even if the allegedly-interpolated portion of the said certificate is ignored, the petitioner's credentials are sufficiently supported.
- 4.** Learned counsel for the State contends that in view of the patent discrepancies in the documents produced by the petitioner, the respondent-authority, that is, the Principal Secretary, Law Department, Government of West Bengal was justified in rejecting the petitioner's application.
- 5.** Upon considering the submissions of learned counsel, let us take up for scrutiny the decision which is impugned herein. Even as per the observations in the impugned order, there are at least four documents which clearly show that the petitioner's name is Sunil Kumar Pradhan. The said documents are the petitioner's certificates of the Madhyamik Examination and the B.Sc.

Examination respectively, the mark sheet of the Intermediate Examination of Law taken by the petitioner as well as the PAN card of the petitioner. Even the fifth document, that is, certificate of enrolment issued by the Bar Council of West Bengal, which is all-important to establish the petitioner's credentials of practicing as an Advocate, shows that the petitioner's name is Sunil Kumar Pradhan. The Preliminary Examination mark sheet of the Law Examination of the petitioner, which apparently mentions the name of the petitioner as Pradhan Sunil Kumar, is merely a reiteration of the Intermediate Examination mark sheet, since the first name, the middle name and the surname of the petitioner have merely been inter-changed with each other insofar as their placement is concerned.

- 6.** Taken in such context, there cannot be any iota of doubt that the petitioner has produced at least five or six documents to substantiate his real name.
- 7.** Insofar as the alleged interpolation in the certificate issued by the Additional Chief Judicial Magistrate, Contai is concerned, I do not find any major discrepancy therein. The allegedly

interpolated portion which is an insertion by hand, mentions “as per available record produced by the Secretary, Contai Criminal Bar Association”. Even apart from the said phrase, the certificate clearly mentions the petitioner Sunil Kumar Pradhan’s enrolment number under the Bar Council of West Bengal and that he is a member of the Contai Criminal Bar Association since April 15, 1999 and has been practicing in civil and criminal courts at Contai since that date.

8. It is also mentioned therein that the certificate was issued for fulfilling his eligibility for appointment as a Notary under the Notaries Act, 1952. As such, nothing turns around the allegedly inserted portions, as regards the credentials of the petitioner vis-à-vis the examination for becoming a Notary.
9. Thus, this court is of the opinion that the rejection of the petitioner’s application for being appointed as a Notary under the Notaries Act is palpably *de hors* the law and perverse.
10. Hence, WPA No. 12981 of 2023 is allowed on contest, thereby setting aside the impugned order dated April 20, 2023 passed by the Principal

Secretary, Law Department, Government of West Bengal.

- 11.** The respondents are hereby directed to issue a Letter of Appointment in favour of the petitioner for the post of Notary.
- 12.** There will be no order as to costs.
- 13.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)