

D/L. 24.
September 25, 2023.
MNS.

WPA No. 12985 of 2023

Pradip Kumar Syamal
Vs.
State of West Bengal and others

Mr. Tanmoy Mukherjee,
Mr. Kallol Kumar Maity

... for the petitioner.

Mr. Rajarshi Basu,
Mr. Anirban Datta

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that initially petitioner's application for being appointed as a 'Notary' under the Notaries Act, 1952 was rejected.
3. Upon the petitioner challenging the same, a co-ordinate Bench had directed the matter to be revisited by granting liberty to the petitioner to approach the appropriate forum.
4. Subsequently, a review having been applied for by the petitioner, the respondent authorities rejected the same on April 20, 2023 on the ground that there were multiple discrepancies in the name of the petitioner in

the various documents produced by the petitioner in support of his name.

5. Learned counsel for the State alleges that the instances of discrepancies are serious.
6. It is submitted that a person, who will be entrusted with the responsible job of verifying the documents, ought to have been more careful regarding his own name.
7. In the absence of any attempt by petitioner to have his name rectified before the said authorities, it is to be presumed that the petitioner is not fit to be a 'notary'. Hence, the errors concerned are required to be taken in such context.
8. A perusal of the impugned order shows that the petitioner's name correctly appears in the PAN Card, Aadhaar Card and the Certificate of Enrollment issued by the Orissa State Bar Council as "Pradip Kumar Syamal". However, the same name, although repeated in the BA Examination Certificate of the petitioner, there is no space between PradipKumar, that is, the first name and middle name of the petitioner. Again, in the LL.B mark sheet of the petitioner, the middle name was abbreviated as "Kr."

9. As such, between the said documents, there is no serious discrepancy, the petitioner's name having appeared substantially correctly in all the said documents.
10. The discrepancy arose in the Madhyamik Examination certificate of the petitioner, where the petitioner's name was depicted as "Prodipkumar Syamal". Again, in the Certificate of Experience issued by the Learned Additional Chief Judicial Magistrate, Contai, the name appeared as "Pradip Kumar Shyamal".
11. Although the petitioner, as rightly pointed out by learned counsel for the State, ought to have been more cautious regarding the correction of the discrepancies between the said documents, the petitioner's PAN Card, Aadhaar Card, Certificate of Enrollment issued by the Orissa State Bar Council, all tally with each other and the BA Examination Certificate is also substantially the same, as is the LL.B mark sheet.
12. Hence, I do not find that there was sufficient justification in the outright rejection of the petitioner's application for being appointed as a 'Notary'.

13. In such view of the matter, the discrepancies, which were blown out of proportion by the respondent authorities, in particular the Principal Secretary, Law Department in the impugned order, ought to have been read in appropriate and correct perspective by respondents, give the benefit of doubt to the petitioner and to attribute the said mistakes to the respective authorities who issued the erroneous certificates.

14. Accordingly, WPA No. 12985 of 2023 is allowed, thereby setting aside the impugned order passed by the Principal Secretary, Law Department, on April 20, 2023.

15. The petitioner shall be given appointment as a 'Notary' under the Notaries Act, 1952 by the respondent authorities at the earliest.

16. There will be no order as to costs.

17. 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.)