

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WRIT PETITION NO.3674 OF 2023

**DEELIP SURYABHAN PESTE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS**

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**Petitioner : Party-In-Person
AGP for Respondent – State : Mr. P.K. Lakhotiya**

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**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 31-03-2023

PER COURT :

. Heard party-in-person, advocate by profession
Mr. Deelip Suryabhan Peste.

2. The party-in-person has questioned the appointment of respondent no.3 as a Notary. His further grievance is that though he was qualified and was the sole candidate, his request for appointment as Notary ought to have been granted ignoring case of others. So as to substantiate his contentions, he has invited our attention to the order of the Apex Court passed in Civil Appeal No.9326 of 2022 on 07.12.2022. According to him, time bound directions were issued in relation to eight of the candidates, whose claims were considered by the Supreme Court and the said candidates claim was not within the time as was prescribed by the Supreme court and as such, the said

candidates have incurred disqualification even if there were directions by the Supreme Court as referred above.

3. In addition, his contentions are since his application was pending and was to be considered along with the aforesaid eight candidates, he should have been informed about the outcome of his candidature for the post of Notary. Grievance is made that respondent authorities are not communicating any decision in the matter of appointment of notary.

4. The learned AGP would urge that petitioner can approach the State Government and may seek appropriate information if he wishes so. According to him, petitioner having failed to approach the State Government in the matter, the petition cannot be entertained and is liable to be dismissed.

5. We have considered the aforesaid submissions.

6. The fact remains that the issue for the post of Notary in relation to the candidates other than the petitioner was considered and decided on 07.12.2022. The State Government in compliance thereof on 12.01.2023 has sought the applications of said eight

candidates in relation to whom directions were issued by the Apex Court. In addition to the same, the other two candidates including the petitioner's application were to be considered.

7. By this time, the State Government must have taken some decision in the matter of appointment of the Notary as it is the case of petitioner that he was called for interview vide email dated 11.02.2023. According to him, he has already appeared for the interview on 16.02.2023.

8. With the aforesaid background petitioner, a lawyer by profession is claiming that neither he was informed about the selection of the candidate, nor the decision of the Committee / government is made available on the issue of the appointment of the notary.

9. In this backdrop, we dispose of the petition.

10. The preset petition be treated as a representation to the respondent – Law & Judiciary Department.

11. Learned AGP Mr. Lakhotiya is directed to make available

copy of the petition to the Department of Law and Judiciary.

12. The respondent – State Government is also directed to communicate decision on the application of the petitioner for the post of Notary and also about the decision taken by State Government appointing other candidates during alleged interview conducted on 16.02.2023.

13. Let the aforesaid information be made available to petitioner or a decision by treating aforesaid petition as representation be communicated to petitioner, in any case, by 31.05.2023.

14. With the aforesaid observations, the petition stands disposed of.

(S.G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE , J.)

GGP