



WEB COPY

WP No.22933 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-03-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.22933 of 2015

And

MP No.1 of 2015

A.W.Yunus

... Petitioner

Vs.

1.The Inspector General of Registration,
Mylapore,
Chennai-600 004.

2.The District Registrar (Audit),
(Admin) (In-Charge),
Coimbatore and District.

3.Ms.V.Prabha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the order of appointment of the third respondent as a Stamp Vendor in License No.15129/B1/2014-8 dated 20.04.2015 for the



jurisdiction of Annur Sub-Registrar's Office and quash the same and consequently, direct the second respondent to appoint the petitioner as a Stamp Vendor for the jurisdiction of Annur Sub-Registrar's Office.

For Petitioner : Mr.I.Abrar Md. Abdul

For Respondents-1 and 2: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-3 : Mr.K.R.Samratt

ORDER

The order appointing the third respondent as Stamp Vendor in Annur Taluk, Coimbatore District, is under challenge in the present writ petition.

2. The petitioner states that his father Mr.A.R.Wahab was the licensed Stamp Vendor since 1973 and died on 21.09.2013.

3. Due to the death of his father, the vacancy of Stamp Vendor arose and a Notification was issued by the Competent Authority inviting applications for appointment of Stamp Vendor in Annur Taluk, Coimbatore



District.

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4. The petitioner submitted an application and participated in the process of selection. The third respondent was selected and appointed.

5. The learned counsel for the petitioner states that the procedures as contemplated under Rule 25(ii)(c) and (d) of the Tamil Nadu Stamp Rules were not followed. The petitioner is the local resident of Annur Taluk, Coimbatore District and the Rule contemplates that preference should be given to the residents in that locality. Thus the order appointing the third respondent as Stamp Vendor is in violation of the preference to be given as per the Rules in force.

6. It is further contended that the third respondent is residing in Dasarapalayam, Pongalur Post, Tiruppur District, which is the different District and therefore, the order of appointment is to be set aside.

7. The learned counsel appearing on behalf of the third respondent objected the contentions raised on behalf of the petitioner by



stating that as per the Rules, preference is to be given to the residents in that locality and more-so, the sub-clause (d) contemplates that preference shall scrupulously be followed by the Appointing Authorities in respect of the physically handicapped, Adi Dravidar and Tribals, Widows and Ex-Servicemen concerned.

8. The learned counsel for the third respondent reiterated that the petitioner is residing within the Sub Registration District of Annur Taluk, Coimbatore District and therefore, the appointment is made in accordance with law.

9. While appointing the Stamp Vendors, Registration Districts are taken into consideration with reference Rules prescribed. Accordingly, the third respondent is residing within the Sub Registration District, wherein the Annur Taluk falls.

10. The petitioner is referring their Revenue Jurisdiction, which is not applicable in respect of the Registration Districts and thus the contention raised by the petitioner in this regard is untenable.



11. That apart, the third respondent belongs to Adi Dravidar Community, which is the Most Backward Community.

12. Considering all these facts, the Competent Authority, appointed the third respondent as Stamp Vendor and she has been continuing as Stamp Vendor for the past 7-1/2 years and more-so for the another vacancy, which has arisen in the same District, the petitioner has not even applied for the said post. Thus the present writ petition is liable to be rejected.

13. The learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2, contended that the selection was conducted by adopting the preferential weightage contemplated under the provisions of the Rules and there is no infirmity. That apart, an appeal remedy is contemplated under Rule 25(iv) of the Rules and the petitioner has not preferred any appeal against the order passed.

14. This Court is of the considered opinion that certain



procedures are contemplated in selecting persons for appointment as Licensed Vendors. The Rule contemplates preferences to be extended to the eligible candidates while undergoing the process of selection. Accordingly, the factors to be taken into consideration shall include the residents in the locality, previous experience, good health, technical education and salary.

15. Beyond the above eligibility criteria, sub-clause (d) contemplates that the order of preference shall be scrupulously followed by the Appointing Authorities i.e., physically handicapped, Adi Dravidar and Tribals, Widows and Ex-Servicemen.

16. Therefore, an assessment is to be made as a whole and no one can claim as a right that he/she is residing in the local area. As the resident in the locality alone cannot be construed as criteria for appointment as Licensed Stamp Vendor. All the criterias fixed are to be assessed by the Competent Authorities as a whole for the purpose of considering the application submitted for appointment of Licensed Stamp Vendors.

17. In the present case, the third respondent belongs to Adi



Dravidar Community, more-so, she has satisfied the other criterias. The merit assessment made by the Selection Authorities cannot be gone into unless it is established that such selection is illegal and there is allegation of mala fides or the Authority competent for selection has no jurisdiction under the provisions of the Act. In the absence of anyone of such grounds, the merit assessment made by the Competent Authorities cannot be gone into by the High Court in exercising the powers of judicial review under Article 226 of the Constitution of India.

18. The learned counsel appearing on behalf of the third respondent states that the third respondent is residing within the Sub Registration District, wherein the Annur Taluk, Coimbatore District falls. That apart, the petitioner was considered since she belongs to Adi Dravidar Community and other criterias were also considered.

19. This being the factum, the appointment made in the year 2015 cannot be interfered with.

20. Accordingly, the present writ petition stands dismissed.



However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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