



WEB COPY



W.P. No.31390 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.31390 of 2019

and

W.M.P. No.31560 of 2019

R. Anbalagan

... Petitioner

Vs

1. The Secretary to Government
Government of Tamil Nadu,
Fort. St. George,
Chennai – 600 009.

2. The Deputy Secretary to Government,
Law (Adm.) Department,
Government of Tamil Nadu,
Fort St. george,
Chennai – 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the G.O. (MS) No.278, Law(Admin) Department, dated 26.10.2018, quash the same and further directed the respondents to appoint me as Notary.

For Petitioner

: Mr.G. Anbalagan
Party-in-Person

For Respondents

: Mr. K.M.D. Muhilan,
Addl. Govt. Pleader



W.P. No.31390 of 2019

ORDER

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This writ petition has been filed to call for the records in G.O. (Ms) No.278, Law (Admin) Department, dated 26.10.2018 and to quash the same and to issue a consequential direction to the respondents to appoint the petitioner as Notary.

2. It is the case of the petitioner that he has applied for appointment of Notary and also attended interview. While the said selection is in process, the 2nd respondent issued a letter dated 29.06.2018 to the candidates intimating certain defects in the application and to rectify the same. Challenging the said letter, dated 29.06.2018, he filed writ petition before this Court in W.P. No.18541 of 2018 and the same was disposed of on 28.09.2018 by granting liberty to the petitioner to approach the Court as and when required. Subsequent to which, he learnt that “Certificate of Notary” has been issued as per the list of notaries, hence he preferred an appeal before this Court in W.A. No.21 of 2019 and the same was dismissed by confirming the order dated 2.09.2018. Later, he came to know by way of application filed under Right to Information Act that sixty Advocates excluding the petitioner have been appointed as Notaries in Kancheepuram District vide G.O. (Ms) No.278, Law (Admin) Department, dated 26.10.2018. Hence, he filed this writ petition for quashment of the aforesaid G.O. No.278 as well as for issuance of direction to



W.P. No.31390 of 2019

the respondents to appoint him as Notary.

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3. The Party-in-Person reiterated the above facts. He submitted that out of 60 candidates appointed as Notaries, 14 candidates have submitted their applications without proper attestation and having some defects. However, the 2nd respondent without considering the same, has rejected his candidature for the said selection and it is unsustainable. Hence, he prays before this Court for quashment of the said G.O. Ms. No.278, as well as for issuance of appropriate directions for selecting him as Notary.

4. On the other hand, the learned Additional Government Pleader submitted that the respondents followed the established procedures contemplated under law in the selection process. The selection process was already over and there is no scope for appointing the petitioner to the post of Notary. The petitioner's application was carefully scrutinised and he was also called upon to attend an interview. Thus, the petitioner-in-person subjected him to the selection process. Having participated in the selection process and could not be selected and appointed as Notary, it is not open to the petitioner to file the present writ petition. Accordingly, the learned Additional Government Pleader prayed for dismissal of the writ petition.

5. The facts in the case are not in dispute. A perusal of records reveals that aggrieved by the selection of 60 candidates as Notaries, the petitioner has



W.P. No.31390 of 2019

come up before this Court by filing this writ petition with a prayer to quash the entire selection list and to appoint him to the post of Notary. Though very many reasons have been stated by the Party-in-Person that in respect of 14 candidates selection made was illegal, this Court is of the considered view that only after proper scrutiny of papers/applications, the aforesaid selection was processed by the 2nd respondent. There is nothing brought on record to show that the selection is vitiated in any manner. The order in G.O. Ms. No.278, dated 26.10.2018 does not suffer from the vice of any illegality and it is sustainable in the eye of law. Therefore, no relief could be granted to the petitioner in this writ petition. However, the respondents shall re-consider the petitioner's candidature for appointment as Notary Public, if his application is otherwise in order. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. For the reasons aforesaid, this writ petition is devoid of any merits and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

vsi2



W.P. No.31390 of 2019

To

WEB COPY

1. The Secretary,
The Government of Tamil Nadu,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Street,
Chennai - 600 005.

2. The Asst. Executive Engineer,
Administrative Officer,
Division IV,
Tamil Nadu Slum Clearance Board,
Chennai - 600 010.

3. The Commissioner,
Ambattur Municipality,
Ambattur,
Chennai - 600 053.

4. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Periamet,
Chennai - 600 003.



WEB COPY



W.P. No.31390 of 2019

M.DHANDAPANI, J.

vsi2

W.P. No.31390 of 2019

12.04.2023