



W.P(MD)No.2942 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2942 of 2023

and

W.M.P(MD)Nos.2731 & 2732 of 2023

S.Bala Ganesan

... Petitioner

Vs.

**1.The Deputy Inspector General of Registration,
Madurai Range,
Rajakambeeram,
Madurai.**

**2.The District Registrar (Administration),
Virudhunagar,
58/1, Katchery Road,
Virudhunagar.**



W.P(MD)No.2942 of 2023

WEB COPY

3.V.Manikandan

4.P.Janagarani

5.N.Kannan

6.A.Kandasamy

7.C.Sundaramahalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the first respondent in Na.Ka.No.10199/ Aa1/2022 dated 02.01.2023 confirming the impugned selection list, dated 25.02.2021 published by the second respondent and quash the same and directing the second respondent to publish fresh selection list by considering merits and qualifications of the petitioner as per Rule 25 (ii) of Tamil Nadu Stamp Rules under Section 76 A of Stamp Act r/w Rule 5 (J) of Tamilnadu Document Writers License Rules.



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W.P(MD)No.2942 of 2023

For Petitioner : Mr.K.K.Kannan

For Respondents: Mr.C.Satheesh – for R1 & R2

Government Advocate

Mr.M.Jothi Basu – for R3 & R6

Mr.S.Parthasarathy – for R7

No Appearance – for R4

Tapal returned – for R5

ORDER

Heard the learned counsel for the Writ Petitioner, the learned Government Advocate appearing for respondents 1 and 2, the learned counsel appearing for the respondents 3 and 6 and the learned counsel appearing for the seventh respondent.

2. The District Registrar Administration issued notification calling for applications from eligible candidates for being appointed as stamp vendors in Aruppukkottai Town. Five vacancies had been identified. The petitioner was one of the applicants. After holding interview, the second respondent selected respondents 3 to 7 as Stamp Vendors. Questioning the order passed



W.P(MD)No.2942 of 2023

WEB COPY

by the second respondent vide proceedings, dated 25.02.2021, the petitioner filed appeal before the first respondent. The first respondent vide order, dated 02.01.2023 dismissed the appeal. Challenging the same, the present Writ Petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition, called upon this Court to grant relief as prayed for.

4. The official respondents filed counter affidavit. The learned Government Advocate as well as the learned counsel appearing for the seventh respondent submitted that the impugned proceedings are well reasoned and that interference is not warranted. They called upon this Court to dismiss the Writ Petition.

5. I carefully considered the rival contentions and went through the material available on records.



W.P(MD)No.2942 of 2023

WEB COPY

6. It is seen that as per the relevant provisions of the Tamil Nadu Stamp Rules, reservation will have to be made for Adi Dravidar, Physically Handicapped, Widows and Ex-service men. In this case, the fifth respondent happens to belong to Adi Dravidar Community. The fourth respondent is a Widow. The stand of the official respondents is that the selected candidates are more qualified when compared to the petitioner. The seventh respondent is MBA degree holder. The petitioner has only completed 10th standard. The seventh respondent's father was also a stamp vendor. Thus, taking into account various parameters, the impugned selection has been made.

7. The learned counsel appearing for the seventh respondent draws my attention to Rule 25(iv) of Tamil Nadu Stamp Rules. It states that appointment of licensed vendors made by District Registrars shall not ordinarily be interfered with by the Inspector General of Registration, unless the persons selected are clearly unsuitable or unless someone with obviously superior claim



W.P(MD)No.2942 of 2023

WEB COPY

has been overlooked. Thus, this statutory Rule restricts the power of the Appellate Authority from interfering with the selection made by the Original Authority. Therefore, the Writ Court will have to be mindful of this statutory bar. When the appellate authority has endorsed the selection made by the original authority, while exercising judicial review, the selection cannot be set aside if the petitioner has not demonstrated that the selected candidates are either unsuitable or that he has a superior claim compared to them.

8. However, one aspect of the matter cannot be lost sight of. As per Rule 5(j) of the Tamil Nadu Document Writers License Rules, 1982, it is a dis-qualification for obtaining Document Writers License, if he or any member of his family is a Stamp Vendor, licensed under the Indian Stamp Act, 1989. The father of the seventh respondent is a Document Writer. The fourth respondent has been selected as a Stamp Vendor, Veerarajan's status as Document Writer may become vulnerable. The authorities will have to take note of the same.



W.P(MD)No.2942 of 2023

WEB COPY

9. With these observations, the impugned order is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

15.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

RM

To:

1.The Deputy Inspector General of Registration,
Madurai Range,
Rajakambeeram,
Madurai.

2.The District Registrar (Administration),
Virudhunagar,
58/1, Katchery Road,
Virudhunagar.



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W.P(MD)No.2942 of 2023

G.R.SWAMINATHAN, J.

RM

W.P(MD)No.2942 of 2023

15.12.2023