



W.P(MD)No.5947 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5947 of 2023

and

W.M.P(MD)No.5527 of 2023

1.G.Kesavan

2.A.Thirunavukkarasu

... Petitioner

Vs.

The Secretary
Department of Legal Affairs Ministry of Law and Justice,
Government of India,
4th Floor A-Wing,
Shastri Bhavan,
New Delhi-110001.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent "The Secretary, Department of Legal Affairs Ministry of Law and Justice, Government of India, New Delhi, to issue appointment letter for Notary to the first petitioner F.No.N-11013/2617/2018-NC/Interview Sr.No.



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1376 and to the second petitioner F.No.N-11013/2659/2018-NC/Interview Sr.No.1418 as per Article 14 of the Constitution of India and on the basis of the Common order passed by this Court in W.P.(MD) Nos. 4692, 6193, 16903, 24283, 17892 and 17937 of 2019 dated 15.11.2019.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.M.Karunanidhi

ORDER

The writ petition has been filed in the nature of a Mandamus seeking parity with an earlier judgment of this Court in W.P.(MD)Nos. 4692 of 2019 batch, dated 15.11.2019 and seeking recognition to be appointed as Notary Public under the Central Government.

2. There are two writ petitioners and they are both Advocates and they both claim that they have physically disabilities and are persons with disabilities. But primarily, they are also professionals as Advocates. In the judgment referred above, it had been stated that 4%



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should be reserved for persons with disabilities even while considering filling up of Notaries under the Central Government. The relevant portion of the order is extracted below :

"52 In the result, the following order is passed :

(a) W.P.(MD)Nos.4692, 6193, 16903, 17892 and 17937 of 2019 are disposed of, directing respondents to provide 4% reservation for persons with benchmark disabilities within the meaning of section 34 of RPD Act.

(b) For the purpose of aforesaid 4% reservation, as already mentioned above, out of total permissible 1700 notaries for Tamil Nadu, only 1631 are now functioning and there are 69 vacant slots. With regard to 2308 applicants, who appeared for interview (excluding 295 absentees from and out of total 2603 applicants), 748 were selected and 1560 were not. From and out of this 1560, those who qualify as persons with benchmark disabilities within the meaning of section 2(r) of RPD Act, shall now be called for interview and 68 (4% of 1700) of them shall be appointed in the vacant slots. To be noted, if there are already



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persons with benchmark disabilities in the 748 selectees, as they have got selection dehors the disability, they will remain selected as this is a one time measure.

(c) If 68 candidates with benchmark disability under RPD Act are not available from and out of this 1560, it is open to respondents to appoint Notaries in accordance with Notaries Act for the vacant slots that remain. If there are more than 68 candidates with benchmark disabilities from and out of these 1560, there shall be an inter~se selection by adopting the same methodology that was adopted earlier. To be noted, in the proceedings of this court dated 19.8.2019 made by learned Predecessor Judge which has been extracted and reproduced supra, there is a reference to a list of 1562 candidates who have not been selected, but it is now submitted by Solicitor adverting to records that candidates not selected from and out of 2308 who appeared for interview is 1560.

(d) Respondents shall complete the aforesaid exercise in (a) to (c) supra within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(e) The aforesaid direction is a one time



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measure for this appointment and in all future appointments, respondents shall ensure that 4% reservation for persons with benchmark disabilities in accordance with section 34 of RPD Act is provided and for this purpose, the application itself as in Form-I (Rule 4(2) of Notaries Rules) which is known as 'MEMORIAL' shall be suitably amended.

(f) W.P.(MD)No.6192 of 2019 is dismissed albeit with the observations contained in this order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

The clauses (b) and (c) above are placed in service by the petitioners herein.

3. The learned Standing Counsel had also taken notice. It is stated that as against this particular judgment a writ appeal was also filed and SLP was also filed. But the statements made above have not been interfered directly either by the Division Bench or by the Supreme Court.



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4. The petitioners may therefore give a representation to the respondent and also enclose a copy of the earlier judgments and also a copy of this order.

5. It is stated by the learned counsel for the petitioners that he reliably understands that there are still vacancies to be filled up and that if those vacancies are filled up, the petitioners claim would be addressed. The petitioners may therefore, give a representation within a period of three (3) weeks from the date of receipt of a copy of this order and if it is done so, within a period of twelve (12) weeks from that date onwards, the respondent may consider the application of the petitioners in the light of the judgment referred supra.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

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

The Secretary
Department of Legal Affairs Ministry of Law and Justice,
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C.V.KARTHIKEYAN, J.

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