



W.P.(MD)No.5332 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.06.2024

Pronounced on : 18.07.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.5332 of 2021
and
W.M.P.(MD)Nos.4274 and 4275 of 2021

Lizzy

... Petitioner

Vs.

1. The Inspector General of Registration,
State Registration Office,
Santham High Road,
Chennai – 600026.
2. The District Registrar,
Kanyakumari District,
S.L.B., South Side Road,
At Nagercoil.
3. The Sub Registrar,
Palliyadi,
Kanyakumari District.
4. Ajitha Kumari Thankachi

... Respondents



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Prayer : This Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the second respondent pertaining to its selection list dated 25.02.2021 with regard to serial No.6 and to quash the same and consequently direct the respondents to issue order to the petitioner considering her eligibility within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 to R3 : M/s.Farzana Ghousia
Special Government Pleader
For R4 : Mr.M.R.Sreenivasan

ORDER

The Writ Petition is directed against the selection of fourth respondent in the selection list dated 25.02.2021 as stamp vendor and for directions to the official respondents to consider the writ petitioner's eligibility within a time frame to be fixed by this Court.

2. It is not in dispute that the writ petitioner's husband Homerlal was working as stamp vendor and he surrendered his license with a requisition to the second respondent to transfer his license in favour of his wife-writ



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petitioner herein, that since no order came to be passed, the writ petitioner has filed a writ petition in W.P.(MD)No.10292 of 2017 seeking a Writ of Mandamus directing the official respondents therein to grant license to the petitioner for selling stamp paper by considering her application dated 18.08.2016 and that this Court, considering the submission made on behalf of the petitioner that they will be satisfied if a direction was issued to consider the representation, has directed the respondents therein to consider the petitioner's representation dated 18.08.2016 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of that order vide order dated 05.06.2017.

3. It is also not in dispute that in pursuance of the direction of this Court, the second respondent has passed an order dated 22.06.2017 rejecting the requisition of the writ petitioner and directed her to apply while the respondents call for the same.

4. The Registration Department has then issued a notification dated 03.02.2021 inviting applications for filling up vacancy of stamp vendor posts covered under the Sub Registrar Offices. The writ petitioner has



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applied for the vacancy available at Sub Registrar Office, Palliyadi. After scrutinizing the applications, 29 persons including the writ petitioner herein as eligible candidates were called for interview. The writ petitioner appeared for interview before the panel. Thereafter, the second respondent has issued a selection list dated 25.02.2021 selecting the fourth respondent as stamp vendor for the vacancy at Sub Registrar Office, Palliyadi. Aggrieved by the selection of the fourth respondent, the present writ petition came to be filed.

5. The main complaint of the writ petitioner is that before the commencement of the interview, the writ petitioner has been receiving calls from a phone number and she was instructed to pay money as bribe so as to grant the stamp vending license to her, that since the writ petitioner possessed required qualifications and she was confident in getting the license, she was not interested in paying any amount, that the writ petitioner has received calls from a particular number, wherein, she was informed that call was from the first respondent office and openly demanded a sum of Rs.3,00,000/- and subsequently, the writ petitioner was given a concession and directed to pay Rs.2,50,000/- and she was



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directed to contact that person after the interview, that the writ petitioner appeared for interview on 24.02.2021 and at that time, the second respondent informed that she was eligible and instructed her to call a number, that subsequently the writ petitioner has received another call demanding the amount and directed her to pay the amount at Tirunelveli but the writ petitioner did not opt for that, that subsequently the writ petitioner was shocked to note that the second respondent published the result of selected candidates on 25.02.2021 by selecting fourth respondent for Palliyadi Sub Registrar Office, that several irregularities and illegalities were committed in the entire process of selection of stamp vendor and that therefore the writ petitioner was constrained to file the present petition.

6. As rightly contended by the learned Special Government Pleader appearing for the respondents 1 to 3, though the writ petitioner has given a particular cell number in the affidavit, she has not elaborated anything further. It is not the case of the writ petitioner that after receiving the phone calls, the writ petitioner has lodged a complaint with the police or with the office of the first respondent. The writ petitioner has not even sent



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a complaint with regard to the demanding of bribe before attending the interview or immediately after the interview. But according to the writ petitioner, she has sent a complaint to the District Collector on 01.03.2021.

7. It is pertinent to note that Rule 25(iv) of the Tamil Nadu Stamp Rules contemplates grounds on which the appointment of a person as a Licensed Stamp Vendor can be challenged and the two grounds are (1) that a person selected for appointment is clearly unsuitable, or (2) that the claim of a person, who is obviously superior to the one selected, has been overlooked. The Hon'ble Division Bench of this Court, in the case of ***Madras High Court Advocates' Association, Chennai represented by its General Secretary Vs. The Secretary, Bar Council of Tamil Nadu, Chennai and another*** reported in ***2015 (4) CTC 524*** relied on by the learned counsel appearing for the fourth respondent, after referring to Rule 25(iv) of the Tamil Nadu Stamp Rules, has observed that the said Rule does not permit a challenge to the appointment of a person as a Licensed Stamp Vendor, by an existing Stamp Vendor on any ground other than the two grounds contemplated under the said Rule.



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8. The main contention of the writ petitioner is that the writ petitioner is having more than 10 years experience under the stamp vendor, whereas, the fourth respondent does not have any such experience in so far as she was working under the document writer, that the writ petitioner has produced all the records required by the respondents 2 and 3 and without considering the same and without taking note of the writ petitioner's experience, they have allowed the fourth respondent to enter through back door and that therefore the appointment of fourth respondent, which is *per se* improper and illegal, is liable to be set aside.

9. The second respondent has taken a stand that the process of digitalizing the Registration Department is going on in full swing to prevent fraudulent registrations, that there were so many instances reported regarding illegal stocking of old stamp papers and selling of the same at exorbitant rates illegally and giving chances to anti social elements to use the same for creating forged documents, that the Registration Department had mandated that the data regarding the stock of stamp papers with various denominations with stamp vendors should be updated everyday in online mode and due to the above facts and



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circumstances, the interview panel has given some preference to the persons with computer knowledge, that when the writ petitioner was enquired about her knowledge in computer, she has stated that she has no sufficient knowledge in computer and that the lack of computer knowledge is a serious setback to the writ petitioner.

10. The writ petitioner has produced the copies of the applications of the applicants and the interview sheets of the applicants obtained through the Right to Information (RTI) Act. In the interview sheet (முத்திரைத் தாள் விற்பனையாளர் நியமன நேர்காணல் விபரம்), they have added a criteria (கணினி பயன்பாட்டு திறன்). It is further evident from the said records that the fourth respondent has stated that she is having computer knowledge, whereas, the writ petitioner has stated that she is not having such a knowledge. Previous experience in stamp vendor, the writ petitioner has stated that she was having experience and whereas, the fourth respondent has stated that she was having 15 years experience in the office of the document writer.

11. In the counter affidavit, the second respondent has also stated that the writ petitioner has produced the experience certificate along with



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her application that was issued by her husband Thiru.O.Homerlal, who had ceased from stamp vendor and moreover, she has produced the experience certificate dated 01.08.2018, which was given two years before the date of notification. The writ petitioner admittedly has not offered any reason or explanation for the above and she has not chosen to produce the copy of the experience certificate issued by her husband before this Court, but on the other hand, she has produced the experience certificate issued by one M.Geetha, stamp vendor, Palliyadi.

12. It is pertinent to note that Rule 25(ii) of the Tamil Nadu Stamp Rules contemplates that while selecting a person for appointment as licensed vendor, the fact has to be taken into consideration shall include residence in the locality, previous experience, good health, adequate education and solvency.

13. As rightly contended by the learned counsel appearing for the fourth respondent, the fourth respondent was possessing B.Sc. (Zoology) degree and diploma in computer course. It is not the case of the writ petitioner that the writ petitioner was possessing computer knowledge but the same was not taken into account by the panel.



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14. Considering the materials available on record, as rightly contended by the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent, the selection of the fourth respondent cannot be considered as unsuitable and moreover, the writ petitioner has not shown that she is betterly placed or superior to that of the fourth respondent. Hence, the selection made by the panel cannot be found fault with. Consequently, this Court concludes that the writ petition is devoid of merit and the same is liable to be dismissed.

15. In the result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

18.07.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in

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Dated : 18.07.2024