CGHC010243702025 2026:CGHC:45294

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3138 of 2025

SHYNA AJAY
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Deepak Kumar Vishwas S/o Late Shri Atul Krishna Vishwas, Aged About 58 Years By Occupation Advocate, R/o Village P.V. 40, Pakhanjur, Tahsil- Pakhanjur, District Uttar Bastar, Kanker, Chhattisgarh.

--- **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Its Secretary, Law And Legislative Department, Government Of Chhattisgarh. Naya Raipur, District Raipur, Chhattisgarh.

2 - Additional Secretary, Law and Legislative Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.

--- **Respondent(s)**

WPC No. 3508 of 2025

Murli Manohar Upreti S/o Late Shri Kripalu Datt Upreti, Aged About 66 Years, By Occupation Advocate, R/o Nayapara Ward No 13, Bhanupratappur District- Uttar Bastar , Kanker (C.G.)

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through its Secretary, Law And Legislative Department, Government of Chhattisgarh, Naya Raipur Distt- Raipur CG

2 - Additional Secretary, Law and Legislative Department Mantaralaya Mahanadi Bhawan Nava Raipur Atal Nagar Distt- Raipur (C.G.)

--- **Respondent(s)**

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mr. Parag Kotecha, Advocate
For Respondent(s)	**:**	Mr. Akhilesh Kumar Government Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

27/10/2026

1. By way of these captioned Writ Petitions, the respective petitioners challenge the order dated 12.03.2025 (Annexure P/11 in WPC No.3138/2025) and the order dated 28.3.2025 (Annexure P/8 in WPC No.3508/2025), whereby Respondent

No. 2 rejected the applications of the petitioners for renewal of their Notary Certificates and ordered the deletion of their names from the Register of Notaries on the ground that they acted in contravention of Section 9 of the Notaries Act, 1952 (in short “the Act, 1952”).

2. For the sake of convenience, WPC No.3138/2025 is being treated as the lead case and the facts of the said petition are being referred to for the purpose of adjudication. The decision rendered herein, shall, however, govern the connected Writ Petition as well. In sum and substance, both the writ petitioners have prayed for the same reliefs. In WPC No.3138/2025, the petitioner therein has prayed for the following reliefs:

> *I. quash/set aside the order dated 12/3/25, No. 1140/ 3517/21-B/CG/2024 issue by respondent no. 2 (Annexure P/11)*
>
> *II Direct the respondents to add the name of the petitioner in the Register of Notaries, by renewing his licence of Notary, by allowing the petitioner for renewal of Notary Licence.*
>
> *III. Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also be passed in favour of the petitioner and the cost of the petition may be awarded in favour of the petitioner*

3. Brief facts, as set-forth by the petitioner, are that that the petitioner is an Advocate continuously practicing law since 19.09.1994, who was duly appointed as a Notary by the Government of Chhattisgarh under the Act, 1952 on 27.02.2007 with territorial jurisdiction across Tahsil Pakhanjur, District Uttar Bastar Kanker. His authorization was subsequently renewed up to 26.02.2022, during which time he maintained an unblemished record supported by a clearance letter dated 02.12.2021 from the Bar Association Bhanupratappur. Upon applying for renewal on 07.12.2021 along with the requisite SBI challan before the Law and Legislative Affairs Department, Government of Chhattisgarh (Respondent No. 2) issued a show cause notice dated 19.04.2022 (Annexure P/5) regarding delay in submission, to which the petitioner submitted a detailed reply explaining his bona fide oversight. However, Respondent No. 2 mechanically passed an unreasoned and non-speaking order dated 16.12.2022 deleting his name from the Register of Notaries, depriving him of his primary source of livelihood. Though the petitioner submitted a representation dated 30.12.2022 (Annexure P/8) and subsequently challenged its rejection before this Court by filing WPC No.1688/2023. This Court vide order dated 30.09.2024 (Annexure P/10) set aside the rejection and directed Respondent No. 2 to pass a reasoned order within 60 days. Respondent No. 2 did not comply with the aforesaid order and thereby, failed to adhere to the

timeline and ultimately, passed a fresh rejection order dated 12.03.2025 (Annexure P/11) introducing an entirely new ground of violation of Section 9 of the Act, 1952. This final order was passed without issuing any prior show cause notice, without conducting an inquiry under Section 10(d) of the Act, 1952 read with Rule 13 of the Notaries Rules, 1956 (in short “the Rules, 1956”) and in complete violation of both the principles of natural justice and the directions issued by this Court. Hence, this Petition(s).

4. Mr. Parag Kotecha, learned counsel for the petitioner submits that by virtue of the impugned order, the renewal application of the petitioner was illegally rejected and his name was arbitrarily deleted from the Register of Notaries in blatant and flagrant violation of the principles of natural justice, Section 10(d) of the Act, 1952 and the mandatory procedural safeguards encapsulated under Rule 13 (including sub-rules 4, 4A, 7, 10, 11, 12 and 13) of the Rules, 1956. Furthermore, the Respondent Authority has acted in direct defiance of the directions and mandate issued by this Court in the earlier round of litigation by impermissibly shifting its stance and introducing an entirely novel ground for rejection without affording any prior show cause notice, inquiry or reasonable opportunity of hearing to the petitioner. He submits that the minimal delay in submitting the renewal application was sufficiently justified by a bona fide oversight and lack of statutory awareness with the prescribed renewal fee having

been duly and timely deposited via State Bank of India Challan pursuant to Rule 9. He submits that the rejection of the application and the imposition of a severe professional penalty without considering the matter on its merits amounts to malice in law, continuously harassing a 58 year old practitioner who has been engaged in this profession since 2007. He also submits that this arbitrary action effectively deprives the petitioner and his family of their sole means of livelihood, inflicts grave and irreparable hardship, casts an unmerited stigma upon his professional career and renders the impugned action entirely unsustainable in the eyes.

5. On the other hand, Mr. Akhilesh Kumar, learned counsel for the State submits that the petitioner's Practice Certificate expired on 26.02.2022 and he failed to submit his renewal application prior to the statutory deadline of 26.08.2021, submitting the same only on 07.12.2021 after an unexplained delay of four months. After the issuance of a show cause notice dated 09.04.2022, the reply submitted by the petitioner was found unsatisfactory upon administrative scrutiny. He submits that an examination of the official Notary Register revealed that the petitioner unlawfully continued to perform notarial work past the expiry of his license, in direct violation of Section 9 of the Act, 1952. Hence, the State Government acted in accordance with law and within the powers conferred under Sections 3, 4, 5, and 10(d) of the Act of 1952 in removing the name of the petitioner name from the Register.

He submits that the impugned order(s) is legal, constitutional, and valid. In view of the above, the present petition is devoid of merit and liable to be dismissed.

6. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.

7. For a proper adjudication of the controversy involved in the present case, it would be apposite to refer to the statutory scheme governing the field, particularly Sections 4, 5, 9, and 10 of the Act, 1952 :

> *4.* ***Registers.****—*
>
> *(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.*
>
> *(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:—*
>
> *(a) his full name, date of birth, residential and professional address;*
>
> *(b) the date on which his name is entered in the Register;*
>
> *(c) his qualifications; and*
>
> *(d) any other particulars which may be prescribed.*
>
> *5.* ***Entry of names in the Register and issue or renewal of certificates of practice****.—(1) Every notary who intends to practise as such [may], on payment to the Government appointing him of the*

prescribed fee, if any, be entitled-

(a) to have his name entered in the Register maintained by that Government under section 4; and

(b) to a certificate authorising him to practise for a period of [five years] from the date on which the certificate is issued to him.

[(2) The Government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time.]

*9. **Bar of practice without certificate**.— (1)Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:*

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of two years from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (d) of section 2:

[Provided that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State.]

*10. **Removal of names from Register**.—*

The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

(a) makes a request to that effect; or

(b) has not paid any prescribed fee required to be paid by him; or

(c) is an undischarged insolvent; or

(d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary; [or]

[(e) is convicted by any court for an offence involving moral turpitude; or]

[(f) does not get his certificate of practice renewed.]

8. A plain reading of the aforesaid provisions shows that Section 9 of the Act, 1952 unambiguously mandates that no person shall practice as a Notary or do any notarial act under the official seal of a Notary unless he holds a certificate of practice in force, issued to him under Section 5. Section 10 of the Act, 1952 governs the removal of a Notary's name from the Register maintained under Section 4. Specifically, under Section 10(d), a Notary may be removed from the Register if, upon an inquiry conducted in the prescribed manner, he is found guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practice as a Notary.

9. Furthermore, the Rules, 1956 prescribe a complete statutory procedure for conducting an inquiry into allegations of professional or other misconduct of a Notary. The relevant extracts of Rule 13, including sub-rules (1), (2), (3), (4), (4A), (6), (7) and (10) thereof, read as under:

[13. Inquiry into the allegations of professional or other misconduct of a notary

[(1) *An inquiry into the misconduct of a notary may be initiated either suo motu by the appropriate Government or on a complaint received in Form XIII.]*

(2) *Every such complaint shall contain the following particulars, namely:-*

(a) the acts and omissions which, if proved, would render the person complained against unfit to be a notary;

(b) The oral or documentary evidence relied upon in support of the allegations made in the complaint.

(3) *The appropriate Government shall return a complaint which is not in the proper Form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such times as the appropriate Government may specify :*

Provided that if the subject-matter in a complaint is, in the opinion of the said Government substantially the same as or covered by, any previous complaint and if there is no additional ground, the said Government shall file the said complaint without any further action and inform the complainant accordingly.

(4) *Within sixty days ordinarily of the receipt of complaint, the appropriate government shall send a copy thereof to the notary at his address as entered in the Register of Notaries.*

[(4A) *Where an inquiry is initiated, suo motu by the appropriate Government, the appropriate Government shall send to the notary a statement specifying the charge or charges against him, together with particulars of the oral or documentary evidence relied upon in support of such charge or charges.]*

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(6) *If on a persual of [the written statement,] if any, of the notary concerned and other relevant documents and papers, the appropriate Government consider that there is a prima facie case against such notary, the appropriate Government shall cause and inquiry to be made in the matter by the competent authority. If the appropriate Government is of the opinion that there is no prima facie case against the notary concerned, [the complaint or charge shall be filed] and the complainant and the notary concerned shall be informed accordingly.*

[(7) *Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice or the notice is not return unserved within a period of thirty days from the date of its dispatch, the notice shall be deemed to have been duly served upon the notary.]*

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(10) *Except as otherwise provided in these rules, the*

competent authority shall have the power to regulate his procedure relating to the inquiry in such manner as he considers necessary and during the course of inquiry, may examine witnesses and receive any other oral or documentary evidence.

10. When the facts of the present case are evaluated on the touchstone of the aforesaid statutory provisions and rules, it is clear that a person’s entitlement to practice as a Notary depends on holding a valid Certificate of Practice issued under Section 5 of the Act, 1952. In the earlier round of litigation, as no reasoned order was passed regarding the renewal or non-renewal of the petitioner's license, this Court directed the competent authority to consider the matter afresh and pass a reasoned order. In pursuance thereof, the Respondent Authority passed the impugned order dated 12.03.2025, rejecting the renewal application of the petitioner under Sections 9 & 10 of the Act, 1952 and ordering the deletion of his name from the Register of Notaries on the premise that he violated Section 9 of the Act, 1952.

11. A perusal of the pleadings and submissions advanced by learned counsel for the petitioner reveals that while a prior show cause notice was issued and a reply was obtained before passing the impugned order, no inquiry as contemplated under Section 10(d) of the Act, 1952 read with Rule 13 (specifically sub-rules 4A, 6, 7 and 10) of the Rules, 1956 was ever conducted. In the absence of any inquiry, the

Respondent Authority rejected the renewal application and struck off the name of the petitioner from the Register of Notaries.

12. It is trite law that where an Act or Rule envisages a specific procedure or inquiry prior to taking adverse action, such procedure must be followed strictly. An order passed in derogation of the prescribed statutory procedure is rendered *non-est* in the eyes of law. In the instant case, because no inquiry was conducted, the petitioner(s) was deprived of a meaningful opportunity to rebut the allegations levied against him, resulting in a *prima facie* violation of the principles of natural justice.

13. In the matter of **Chandra Kishore Jha v. Mahavir Prasad** reported in **(1999) 8 SCC 266,** the following was held by the Hon'ble Supreme Court in paragraph No.17:-

> ***17.*** *In our opinion insofar as an election petition is concerned, proper presentation of an election petition in the Patna High Court can only be made in the manner prescribed by Rule 6 of Chapter XXI-E. No other mode of presentation of an election petition is envisaged under the Act or the rules thereunder and, therefore, an election petition could, under no circumstances, be presented to the Registrar to save the period of limitation. It is a well-settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner. (See with advantage: Nazir Ahmad v. King Emperor [(1935-36) 63 IA 372 : AIR 1936 PC 253 (II)] , Rao Shiv Bahadur Singh v. State of V.P. [AIR 1954 SC 322 : 1954 SCR 1098] , State of U.P. v. Singhara Singh*

[AIR 1964 SC 358 : (1964) 1 SCWR 57] .) An election petition under the rules could only have been presented in the open court up to 16-5-1995 till 4.15 p.m. (working hours of the Court) in the manner prescribed by Rule 6 (supra) either to the Judge or the Bench as the case may be to save the period of limitation. That, however, was not done. However, we cannot ignore that the situation in the present case was not of the making of the appellant. Neither the Designated Election Judge before whom the election petition could be formally presented in the open court nor the Bench hearing civil applications and motions was admittedly available on 16-5-1995 after 3.15 p.m., after the obituary reference since admittedly the Chief Justice of the High Court had declared that "the Court shall not sit for the rest of the day" after 3.15 p.m. Law does not expect a party to do the impossible — impossibilium nulla obligatio est — as in the instant case, the election petition could not be filed on 16-5-1995 during the court hours, as for all intents and purposes, the Court was closed on 16-5-1995 after 3.15 p.m.

14. Further, in the matter of **OPTO Circuits (India) Ltd. v. Axis Bank,** reported in **(2021) 6 SCC 707,** the following was held in paragraph No.14:-

14. This Court has time and again emphasised that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner alone and in no other manner. Among others, in a matter relating to the presentation of an election petition, as per the procedure prescribed under the Patna High Court Rules, this Court had an occasion to consider the Rules to find out as to what would be a valid presentation of an election petition in Chandra Kishore Jha v. Mahavir Prasad [Chandra Kishore Jha v. Mahavir

Prasad, (1999) 8 SCC 266] and in the course of consideration observed as hereunder : (SCC p. 273, para 17)

"17. … It is a well-settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner."

Therefore, if the salutary principle is kept in perspective, in the instant case, though the authorised officer is vested with sufficient power; such power is circumscribed by a procedure laid down under the statute. As such the power is to be exercised in that manner alone, failing which it would fall foul of the requirement of complying with due process under law. We have found fault with the authorised officer and declared the action bad only insofar as not following the legal requirement before and after freezing the account. This shall not be construed as an opinion expressed on the merit of the allegation or any other aspect relating to the matter and the action initiated against the appellant and its Directors which is a matter to be taken note of in appropriate proceedings if at all any issue is raised by the aggrieved party.

15. In the matter of **Union of India and Others Vs. Mahendra Singh** reported in **2022 SCC OnLine SC 909,** the following was held by the Hon'ble Supreme Court in paragraph No.16:-

16. *The said principle has been followed by this Court in Cherukuri Mani v. Chief Secretary, Government of Andhra Pradesh11 wherein this Court held as under:*

"14. Where the law prescribes a thing to be done in a particular manner following a particular procedure, it shall be done in the same manner following the provisions of law, without deviating from the prescribed

procedure……..”

16. In the matter of **State of M.P. and Others vs. Jagdish Prasad Dubey** reported in **2024 SCC OnLine MP 1567,** the Full Bench of Madhya Pradesh High Court held the following in paragraph 21 and 23:-

> ***21.*** *However, the aforesaid requirements of law have not been complied with in the case at hand. It is probably for this reason that there is no mentioning of words “retired Government servant” in Rule 65 which deals with recovery and adjustment of Government dues. Rule 65 as extracted hereinabove deals with “ascertainable Government dues” which includes excess payment of pay and allowances. These excess payments are recoverable from the Government servant prior to his retirement since Rule 65(1) specifies that it shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement. The dues towards excess payment and allowances are recoverable from a retiring Government servant. It is an established principle of law that if the statute provides for a particular thing to be done in a particular manner then it has to be done in that manner alone and in no other manner. The Hon'ble Supreme Court in the case of Chandra Kishore Jha v. Mahavir Prasad, (1999) 8 SCC 266 held in para 17 as follows:—*
>
> *“17…It is a well-settled salutary principle that if a statute provides for a thing to he done in a particular manner, then it has to be done in that manner and in no other manner. (See with advantage : Nazir Ahmad v. King Emperor [(1935-36) 63 IA 372 : AIR 1936 PC 253 (2)], Mao Shiv Bahadur Singh v. State of U.P. [(1954) 1 SCC 296 : AIR 1954 SC 322 : 1954 SCR 1098], State of U.P.*

v. Singhara Singh [AIR 1964 SC 358 : (1964) 1 SCWR 57].)…"

***23.** The Hon'ble Supreme Court in the case of Union of India v. Mahendra Singh, 2022 SCC OnLine SC 909 held in para 16 as follows:—*

"16. The said principle has been followed by this Court in Cherukuri Mani v. Chief Secretary, Government of Andhra Pradesh [(2015) 13 SCC 722] wherein this Court held as under:

"14. Where the law prescribes a thing to be done in a particular mariner following a particular procedure, it shall be done in the same manner following the provisions of law, without deviating from the prescribed procedure"

17. In the matter of **A.P. Electrical Equipment Corporation versus Tahsildar and Others** reported in **2025 SCC OnLine SC 447,** the Hon'ble Supreme Court held the following in paragraphs No.10 & 24:-

***10.** On 20.09.2010 the appellant preferred another writ petition being Writ Petition No. 23477 of 2010, inter alia assailing the purported panchnama. In Writ Petition No. 23477 of 2010, the High Court directed that pending further orders, the appellant shall not be dispossessed from the Subject Land. The learned Single Judge adjudicated both the writ petitions filed by the appellants and allowed those vide common judgment and order dated 03.01.2022. The learned Single Judge held as under:—*

"From the sum and substance of the above said judgments of the Hon'ble Supreme Court and various other Courts, it is clear that the official respondents after issuing notices under Section 10(1) and 10(3) have to issue notice under Section 10(5) directing the

party to surrender the possession of the land, within a period of thirty days, and if voluntary possession of the same is not given, then the official respondents are obligated to issue notice under Section 10(6) to the petitioner and then take possession. The above judgments also make it abundantly clear that mere issuance of the notice under Section 10(3) does not automatically entitle the official respondents to take possession of the notified lands, but the authorities have to necessarily issue notice under Section 10(5) to the land owner or any other interested person. The Courts have also held that the taking over of the possession has to be actual physical possession and not mere de jure possession. Having regard to the above laid proposition of law, the question now before this Court is to see as to whether the notifications issued under Section 10(5) and 10(6) by the authorities and the panchnama stand to the legal scrutiny of this Court?

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35. It is apt to note that the Hon'ble Supreme Court in Barangore Jute Factory (referred supra) has held that where the Statute requires a particular act to be done in a particular manner, the same has to be done in that manner alone. It is obvious from the record that the official respondents did not follow the procedure contemplated under the ULC Act, but acted contrary to it. Once the ULC Act was repealed by the Central Government and the same has been adopted by the State Government and physical possession of the land is still with the petitioners, the preparation of notices under Sections 10(5) and 10(6) and the panchanama of taking possession is void ab initio and non est in the eye of law. The bare perusal of the panchanama, notices under Sections 10(5) and 10(6) of the ULC Act, do not inspire any confidence in the Court, which

warrants any indulgence of this Court in favour of the official respondents.

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24. *This Court in the case of Bhavnagar University v. Palitana Sugar Mill (P) Ltd., (2003) 2 SCC 111, in the context of the Gujarat Town Planning and Urban Development Act, 1976 held thus:—*

"The statutory interdict of use and enjoyment of the property must be strictly construed. It is well settled that when a statutory authority is required to do a thing in a particular manner, the same must be done in that manner or not at all. The state and other authorities while acting under the said Act are only creature of statute. They must act within the four corners thereof".

(Emphasis supplied)

18. Where an administrative or statutory order entails civil consequences, procedural requirements must be strictly adhered to and the principles of natural justice must be complied with in letter and spirit. In the case at hand, serious allegations of violating Section 9 of the Act, 1952 were made against an Advocate possessing an established reputation in society. In such circumstances, it was incumbent upon the authorities to afford him a real and effective opportunity of hearing by conducting a proper inquiry, which was evidently omitted.

19. In the matter of **State Bank of India and Others Vs. Rajesh Agarwal and Others,** reported in **(2023) 6 SCC 1,** the Hon'ble Supreme Court held the following in paragraph No.36:-

> ***36.*** *We need to bear in mind that the principles of natural justice are not mere legal formalities. They constitute substantive obligations that need to be followed by decision-making and adjudicating authorities. The principles of natural justice act as a guarantee against arbitrary action, both in terms of procedure and substance, by judicial, quasi-judicial, and administrative authorities. Two fundamental principles of natural justice are entrenched in Indian jurisprudence : (i) nemo judex in causa sua, which means that no person should be a Judge in their own cause; and (ii) audi alteram partem, which means that a person affected by administrative, judicial or quasi-judicial action must be heard before a decision is taken. The courts generally favour interpretation of a statutory provision consistent with the principles of natural justice because it is presumed that the statutory authorities do not intend to contravene fundamental rights. Application of the said principles depends on the facts and circumstances of the case, express language and basic scheme of the statute under which the administrative power is exercised, the nature and purpose for which the power is conferred, and the final effect of the exercise of that power. [Union of India v. J.N. Sinha, (1970) 2 SCC 458]*

20. In the matter of **Basudev Dutt Vs. State of West Bengal and Others** reported in **2024 SCC OnLine SC 3616,** the following was held by the Hon'ble Supreme Court in Paragraph Nos.12.3 to 12.8:-

> ***12.3.*** *That apart, before passing the termination order, no opportunity of personal hearing was provided to the appellant to defend his stand effectively. In Mazharul Islam Hashmi v. State of U.P.10, it was categorically*

held by this Court that 'personal hearing should be given, before termination of employee from service'. The relevant paragraph of the same is quoted below for ready reference:

"25. It was observed in that case that it is a fundamental rule of law that no decision must be taken which will affect the rights of any person without first giving him an opportunity of putting forward his case. The main requirements of a fair hearing, as pointed out by this Court earlier, are : (i) A person must know the case that he is to meet; and (ii) he must have an adequate opportunity of meeting that case. These rules of natural justice, however, operate in voids of a statute. Their application can be expressly or implicitly excluded by the legislature. But, such is not the case here. On the contrary, the two circulars issued by the State Government, to which a reference has been made earlier, expressly imported these principles of natural justice and required that in all cases in which the services of an officer or servant were to be determined on the ground of his unsuitability, they must be given an opportunity of personal hearing by the Committee. The whole purpose of the personal interview was that, when it was proposed to declare an official unsuitable for absorption, the Committee had to afford him an opportunity to appear before it and clear up his position. Since it is nobody's case that such an opportunity was afforded to the appellant, we would hold that the order dated August 26, 1967 (of termination of his services passed by the State) suffers from a serious legal infirmity and must be quashed. He will, therefore, have to be treated as having continued in service till the age of superannuation and entitled to all the benefits incidental to such a declaration.

12.4. *In S. Govindaraju v. Karnataka State Road Transport Corporation again, this Court held thus:*

"7…..There is no dispute that the appellant's services were terminated on the ground of his being found unsuitable for the appointment and as a result of which his name was deleted from the select list, and he forfeited his chance for appointment. Once a candidate is selected and his name is included in the select list for appointment in accordance with the Regulations, he gets a right to be considered for appointment as and when vacancy arises. On the removal of his name from the select list serious consequences entail as he forfeits his right to employment in future. In such a situation even though the Regulations do not stipulate for affording any opportunity to the employee, the principles of natural justice would be attracted and the employee would be entitled to an opportunity of explanation, though no elaborate enquiry would be necessary. Giving an opportunity of explanation would meet the bare minimal requirement of natural justice. Before the services of an employee are terminated, resulting in forfeiture of his right to be considered for employment, opportunity of explanation must be afforded to the employee concerned. The appellant was not afforded any opportunity of explanation before the issue of the impugned order; consequently the order is rendered null and void being inconsistent with the principles of natural justice…"

12.5. *This Court in Aureliano Fernandes v. State of Goa in an unequivocal terms observed as follows:*

"73……This Court has repeatedly observed that even when the rules are silent, principles of natural justice must be read into them.

74. In its keen anxiety of being fair to the victim/complainants and wrap up the complaints expeditiously, the Committee has ended up being grossly unfair to the appellant. It has completely overlooked the cardinal principle that justice must not

only be done, but should manifestly be seen to be done. The principles of audi alteram partem could not have been thrown to the winds in this cavalier manner."

12.6. *It is manifestly clear from the above judgments that reasons are heartbeat of every order and every notice must specify the grounds on which the administrative or quasi-judicial authority intends to proceed; if any document is relied upon to form the basis of enquiry, such document must be furnished to the employee; it is only then a meaningful reply can be furnished; and the failure to furnish the documents referred and relied in the notice would vitiate the entire proceedings as being arbitrary and in violation of the principles of natural justice; and before taking any adverse decision, the aggrieved person must be given an opportunity of personal hearing. In the light of the same, we have no hesitation to hold that the order of termination passed against the appellant is arbitrary, illegal and violative of the principles of natural justice and it cannot be sustained.*

12.7. *Though we are in agreement with the proposition laid down in the decisions cited on the side of the respondent(s), the same does not apply to the present case, which factually differs.*

12.8. *Thus, in the ultimate analysis, we find that the Tribunal was right in observing that without following the principles of natural justice and without affording any opportunity to explain his case before the authority, the appellant was terminated and hence, his termination order cannot be sustained in the eye of law; and accordingly, set aside the order of termination. However, the High Court erroneously allowed the writ petition filed by the State and set aside the order of the Tribunal by observing that the action of the authorities in issuing a show cause notice and inviting a reply therefrom and the availing of such opportunity by the*

appellant, is in adherence with the principles of natural justice. Hence, we are inclined to set aside the order of the High Court and restore the order of the Tribunal to that extent.

21. In the matter of **Triveni Engineering and Industries Ltd. Vs. State of U.P. and others,** reported in **(2026) 2 SCC 729,** the following in paragraph No.44:-

> ***44.*** *Having surveyed the relevant case law on the subject, let us revert back to the present case. From the conspectus of facts and law, it is clearly evident that the impugned orders [Chandra Shekhar v. State of U.P., 2022 SCC OnLine NGT 5405]* , *[Chandra Shekhar v. State of U.P., 2022 SCC OnLine NGT 219] are in complete violation of the procedures laid down in the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, more particularly Sections 21 and 22 of the Water Act and the National Green Tribunal Act, 2010, including Section 19 thereof. It is crystal clear that the impugned decisions [Chandra Shekhar v. State of U.P., 2022 SCC OnLine NGT 5405]* , *[Chandra Shekhar v. State of U.P., 2022 SCC OnLine NGT 219] , which entail adverse civil consequences upon the appellant, were passed without following the due procedure laid down under the statute as well as the elementary principles of natural justice. We, therefore, have no hesitation in declaring such orders to be illegal, and null and void.*

22. Coming to the facts of the present case, in light of the foregoing discussion and in light of the principles laid down in the aforesaid judgments, the impugned orders dated 12.3.2025 and 28.3.2025, in both the writ petitions cannot be

sustained in law and are hereby quashed.

23. Consequently, both the Writ Petitions are **Allowed**, as neither the prescribed procedures were followed nor proper opportunity of hearing was granted to the petitioners**.** While quashing the impugned orders dated 12.3.2025 and 28.3.2025, the concerned Respondent Authorities are directed to restore the name of the petitioners in the Register of Notaries forthwith, with liberty reserved to the Respondents to initiate a fresh inquiry strictly in accordance with Rule 13 of the Rules, 1956, if so advised.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay

HEAD NOTE

WPC No. 3138 of 2025 & WPC No. 3508 of 2025

Any administrative action entailing serious civil consequences must conform to the procedure prescribed by law. Failure to adhere to the mandatory statutory procedure and principles of natural justice renders the impugned order illegal, arbitrary and unsustainable in law.