
(2011) 03 P&H CK 0058
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 12585 of 1993

Data Ram	Vs	APPELLANT
The State of Haryana and Others		RESPONDENT

Date of Decision : 23-03-2011

Acts Referred:

Punjab Documents Writers Licensing Rules, 1961 — Rule 14, 4, 6

Citation : AIR 2012 P&H 10

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Judgement

Ranjit Singh, J.—The Petitioner has a grievance that his request for grant of license as a Document Writer has not been properly considered

and wrongly denied. The Petitioner accordingly has filed the present writ petition, commanding the Respondents to grant him license of Document

Writer under Rule 6 of the Punjab Document Writer's Licensing Rules, 1961 (for short, "the Rules"), which has been denied to him.

2. The Petitioner is resident of Village Bilaspur, Tehsil Jagadhri, District Yamuna nagar. He applied for license of Deed Writer in Sub Tehsil

Bilaspur, Tehsil Jagadhri, then District Ambala (now Yamuna nagar). A written test was conducted and the Petitioner appeared thereat. He was

declared successful on 29.3.1988. The extract of the result is annexed with the petition as Annexure P-1. The Petitioner moved an application for

grant of license. Sub Tehsildar, Bilaspur, then had written a letter to Respondent No. 3, intimating that there were six vacancies of Deed Writers

and only five had been filled and one was lying vacant. Despite the existence of vacancy, the Petitioner was not granted the license. When he learnt

that denial was only on the ground that the Petitioner was having a license of

Stamp Vendor, he approached Respondent No. 2 for grant of license, giving instances of those Document Writers, who were also having license of Stamp Vendors. Despite this, representation of the Petitioner was rejected. The Petitioner ultimately filed the present writ petition.

3. The stand of the Respondents in the reply is that case of the Petitioner was considered on merits and it was decided that such applicants who were having Stamp Vendor's license were not fit and eligible for grant of license of Document Writer in view of Rule 14(i) of the Rules, which provides that the Document Writer is not supposed to engage himself in any trade or business without the previous permission of the Inspector General of Registration. Since the Petitioner was already engaged in the business of stamp vendor, his request for grant of license was not considered desirable.

4. The eligibility for grant of license as a Document Writer is provided in Rule 4 of the Rules. The eligibility conditions governing the grant of license is as under:

4. Eligibility for license.-No person shall be eligible for being licensed as a document writer or, licensed, to continue as a document writer, if such person:

- (a) is less than 18 years of age; or
- (b) is in the employment of Government or local authority or any other person; or
- (c) is of unsound mind; or
- (d) is an undischarged insolvent; or
- (e) has been dismissed from the service of Government or any Local Authority; or
- (f) has been convicted of any offence involving moral turpitude.

5. Apparently, the Petitioner fulfills all the eligibility conditions for grant of license of Document Writer. Reference has been made to Rule 14(i), which provides that he shall not engage himself in any trade or business without previous permission in writing of the Inspector General of Registration. Rule 14 apparently contains condition that can be imposed in the license. This can neither be read as a disqualification or as a condition of eligibility. Such a condition can always be imposed while granting license to the person as Deed Writer. Even otherwise, this is not

invariable or inflexible condition and can be waived by the Inspector General of Registration of documents. In my view, the Respondents were not justified in declining the prayer of the Petitioner for grant of license as Document Writer. At the most, they could have imposed this condition while granting license to him. The eligibility for grant of license is to be seen from Rule 4 of the Rules reproduced above. Rule 14(i), in my view, does not talk of either eligibility or disqualification. This only is a condition, which can be imposed in his license once granted.

6. The fact that some of the persons working as Stamp Vendors have been granted this license can also not be ignored. There is no reason forthcoming as to why the Petitioner alone has been denied license on this ground whereas this has been not taken into consideration while granting license to some of the persons who are similarly situated. Obviously in their cases, exemption would have been granted to them, which is within the purview and power of the Inspector General of Registration.

7. Accordingly, case is made out for issuing direction to the Respondents to consider the claim of the Petitioner for grant of license as Document Writer by treating him eligible for the same within a period of three months. His claim would not be declined only on the ground that he is working as a Stamp Vendor.

8. The writ petition is accordingly disposed of.