
(2010) 05 RAJ CK 0033
In the Rajasthan High Court

Rajendra Kr. Mishra and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 21-05-2010

Acts Referred:

Citation : (2010) 05 RAJ CK 0033

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Rastogi, J.—Since all these petitions involve common question, hence at joint request, were common question, hence at joint request, were heard together and are being disposed of by present order.

2. Grievance of the petitioners is that that petitioners on being qualified were appointed as Notary under the Notaries Act, 1952 but their applications for renewal of certificates of practice as Notary have been rejected without assigning reasons by a Non-speaking orders.

3. Counsel jointly submit that the issue raised in instant petitions has been examined in two separate bunch of petitions (1) by Co-ordinate Bench of this Court vide judgment dt. 18/12/2009 in Smt. Asha Bhansali and Ors. v. State (CWP-15119/2009 & 61 Cognate Cases) and (2) at principal seat Jodhpur vide judgment dt. 22/02/2010 (Per Hon. Mr. Sangeet Lodha, J.) in Tarun Mehta and Ors. v. State (CWP-10569/2009 & 78 Cognate Cases) - operative part whereof runs ad infra:

In the result, the writ petitions succeed, the same are hereby allowed. The impugned decision of the State Government rejecting the applications of the petitioners for renewal of their certificates of authorisation to practice as a Notary and directing them to stop working as Notary are quashed and set aside. The State Government is directed to consider and decide the applications for renewal preferred by the petitioners on merits afresh, keeping in view the position of law

discussed above, within a period of three months from the date of this order. It is made clear that if the State Government proposes to reject the applications of any of the applicants for renewal of their certificates of authorisation then, no such order shall be passed by the State Government without giving an opportunity of hearing to such applicants. No order as to costs.

4. It has been informed special appeals have been preferred by the state against both the judgments (supra). But this fact could not have been controverted by Government Counsel that the petitions relate to rejection of applications of petitioners for renewal of certificates of practice as Notary. As regards judgments (supra), it has not been disputed by Government Counsel about controversy being decided by the Court.

5. Individual merit of writ petitioners has not been examined by this Court. In the light of what has been observed (supra) vide judgment dt. 22/02/2010 in Tarun Mehta and Ors. v. State (CWP-10569/2009 & 78 Cognate Cases), instant writ petitions stand allowed; and the orders impugned herein passed by respondents while rejecting applications of petitioners for renewal of their certificates of authorization to practice as a Notary & directing them to stop working as Notary are quashed & set aside and the state Government is directed to proceed afresh in the light of judgment dt. 22/02/2010 (supra). No costs.