

(2019) 07 UK CK 0079
In the Uttarakhand High Court
Case No : Special Appeal No. 616 Of 2019

Ram Swarath Kushwaha

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 05-07-2019

Acts Referred:

Notaries Act, 1952 — Section 2(c), 2(d), 2(e), 2(f), 3, 3(a), 4, 4(b), 4(2), 5, 5(1), 5(2), 9, 10, 10(f)
Constitution Of India, 1950 — Article 14, 226
Notaries Rules, 1956 — Rule 3, 4, 5, 6, 7, 8, 8(B), 8(4)

Citation : (2019) 07 UK CK 0079

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Vikas Kumar Guglani, S.S. Chaudhary

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Vikas Kumar Guglani, learned counsel for the appellant-writ petitioner and Mr. S.S. Chaudhary, learned Brief Holder for the respondent-State of Uttarakhand.

2. An application is filed seeking restoration of the writ petition which was dismissed for non prosecution earlier. Mr. Vikas Kumar Guglani, learned counsel for the appellant-writ petitioner, would express regret for his absence on the date of hearing, and tenders his apology for the lapse. Failure of the counsel to appear before the Court is said to be on account of the failure of his Clerk to mark the case as reflected in the cause list. As the learned counsel has expressed contrition and regret, we see no reason not to restore the appeal to file. The appeal is restored to file, and the Restoration Application (MCC) No. 588 of 2019 is disposed of accordingly.

3. This appeal is preferred against the order passed by the learned Single Judge

in WPMS No.2452 of 2015 dated 23.04.2019. The appellant herein had filed WPMS No. 2452 of 2015, seeking a writ of certiorari to quash the impugned order dated 31.08.2015; and a writ of mandamus directing the respondent to issue a renewal certificate in favour of the petitioner to practice as a notary advocate for a period of 5 years.

4. Facts, to the limited extent necessary, are that the appellant-writ petitioner was appointed as a Notary vide registration No. 25(03)/2005, for a period of 5 years. His registration was renewed for a further period of five years on 22.03.2010 i.e. up to 21.03.2015. The petitioner again applied for renewal of his notary certificate on 10.09.2014, and deposited the prescribed fees of Rs.1000/- with the State Bank of India, Kichha vide treasury challan dated 10.09.2014.

5. It is the petitioner's case that the District Judge, Udham Singh Nagar had forwarded his recommendation, in favour of the appellant-writ petitioner, to the respondents for renewal of his certificate as a notary advocate; and he had sought renewal three months prior to the date of expiry of the earlier certificate. The impugned proceedings dated 31.08.2015 was issued calling for a fresh panel of advocates who could be considered for appointment as a notary advocate in one vacant post. The said order dated 31.08.2015 merely records that the petitioner's request for renewal of his notary certificate had not been accepted. Aggrieved thereby, the petitioner invoked the jurisdiction of this Court filing WPMS No. 2452 of 2015, which was taken up for hearing, along with other writ petitions in WPMS No.2249 of 2015 and batch, and was dismissed as without merit, by the order of the learned Single Judge dated 24.03.2019.

6. In the order under appeal, the learned Single Judge, after referring to Sections 5 and 10 of the Notaries Act, opined that clause (f) of Section 10 must be read in collaboration with the impugned order dated 31.08.2015; clause (f) should be read in the circumstances of a person already holding a certificate, and whose name is included in the notary register, voluntarily on his own does not apply for renewal of the certificate; this provision would not include a situation where the State has decided not to renew the certificate; in the present case; the initial appointment of the petitioner as a Notary, and inclusion of his name in the register, was for a specific period of five years, and thereafter there was denial of renewal of the certificate by the State, the petitioner's request for renewal was declined by the State; in the event, there is denial to renew the certificate, removal of the name from the register was bound to follow as a consequence; and the petitioner's case would not fall under Section 10(f) of the Notaries Act which had an altogether different intention and purpose.

7. With regards the contention of the appellant-writ petitioner, that the impugned order dated 31.08.2015 disclosed that a decision had been taken by the respondent-State not to renew the certificate, the learned Single Judge observed that there was no decision taken by the authority not to renew the certificate; as a consequence of impugned order, the appellant-writ petitioner's name necessitated removal; and, consequently, a vacancy was created because of non

renewal of the notary certificate.

8. The learned Single Judge further observed that, on the impugned order dated 31.08.2015 being passed denying renewal of the certificate of the petitioner for a further period of five years under Section 5 of the Notaries Act, 1952, the petitioner ought to have made efforts to procure the order, or the decision taken for non renewal, and should have challenged the same; there was nothing on record to show that the petitioner had even made any effort to seek a copy of the decision taken by the State, or the reasons contained therein, for declining renewal of the certificate of the petitioner; even if they were aggrieved by the act of non renewal of the certificate of the petitioners, as reflected in the impugned order dated 31.08.2015, they could have still challenged the said order of denial, even without placing the said order on record; they could have requested the Court to summon the records from the authorities concerned; and such a prayer was not made by the petitioner in the writ petition.

9. The learned Single Judge, thereafter, observed that appointment of the petitioner as Notary Public, and inclusion of his name in the register, is specifically governed, by the terms of appointment, for a specified period of five years; after lapse of the said period, the State can take a decision not to renew the certificate any further; there is no infringement of any fundamental right, or rights created under any statute, in favour of the petitioner for being, mandatorily, granted a certificate renewed for a further period; the action, which has been taken by the impugned order dated 31.08.2015, would not fall on account of any reason which can be attributed to Section 10 of the Act; rather it was the exclusive decision of the State, taken under Sub-Section (2) of Section 5 of the Act, declining grant of further extension to the petitioners; and, if the State has taken a decision not to renew the notary certificate of the petitioner, there is no right of the petitioner which is infringed, and which can be redressed by invoking the writ jurisdiction under Article 226 of the Constitution of India, more particularly, when the renewal is a consequence of the end of the tenure of the appointment made in the petitioner's favour. The writ petition was, accordingly, dismissed. Aggrieved thereby the present appeal.

10. Mr. Vikas Kumar Guglani, learned counsel for the appellant-writ petitioner, would submit, placing reliance on Section 4, 5 and 10 of the Act read with Rule 8 and 8(B) of the Notaries Rules, 1956 (for short the "Rules") that, while the petitioner may not have a right to be automatically granted extension for a further period of five years, he has, undoubtedly, the right to seek renewal, and for his request for renewal to be considered by the State Government; though the appellant-writ petitioner had submitted an application, seeking renewal of the notary certificate, well within the time prescribed under the Act and the Rules, no order was passed rejecting the petitioner's request for renewal; the petitioner came to know of the decision of the Government, not to renew his notary certificate, only from the impugned order dated 31.08.2015 whereby recommendations were sought to fill by the vacant post of Notary Public; the

action of the Government must accord with reason; it is only if there are just and valid reasons, for not renewing the petitioner's notary certificate, could his request have been rejected; the learned Single Judge had erred in placing the onus on the petitioner to secure a copy of the order of rejection, if any, passed by the Government; on the contrary, it is the respondents who were obligated to communicate their decision, for not renewing the notary certificate, to the appellant-writ petitioner; the order under appeal, therefore, necessitates being setting aside; and the respondents should be directed to renew the appellant-writ petitioner's notary certificate for a further period of five years.

11. On the other hand, Mr. S.S. Chaudhary, learned Brief Holder, would contend that, use of the word "may" in Section 5(2) of the Act, makes it clear that discretion is conferred on the Government whether or not to grant renewal; no right is conferred on a person, who was earlier issued a notary certificate, to claim renewal of his notary certificate for the mere asking; the Government has, in its wisdom, chosen not to renew the notary certificate; and, consequently, the petitioner is not entitled for renewal of his notary certificate.

12. Before examining the rival contentions, put forth by learned counsel on either side, it is useful to take note of certain provisions of the Notaries Act, 1952 (for short, the Act) and to the Notaries Rules, 1956 (for short, the Rules). The statement of objection and reasons, for enacting the Act, shows that the Act was made to empower the Central and the State Government to appoint notaries public, not only for the limited purposes of the Negotiable Instruments Act, but generally for all recognized notarial purposes, and to regulate the profession of such notaries. Section 2(c) of the Act defines a "legal practitioner" to mean an advocate entered in any roll under the provisions of the Advocates Act. Section 2(d) defines "notary" to mean a person appointed as such under the Act. Section 2(e) defines "prescribed" to mean prescribed by rules made under the Act, and Section 2(f) defines "Register" to mean the Notaries register maintained by the Government under Section 4.

13. Section 3 of the Act confers powers to appoint notaries and, thereunder, the Central Government for the whole or any part of India, and any State Government for the whole or any part of the State, may appoint, as notaries, any legal practitioners or other persons who possess such qualifications as may be prescribed. Section 4 relates to the Registers and, under Sub-Section (1) thereof, 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 who are entitled to practice as such under the Act. Section 4(2) requires every such Register to include the following particulars about the notary whose name is entitled 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 qualification; and (d) any other particulars which may be prescribed.

14. Section 5 of the Act relates to the entry of names in the Register, and issue

or renewal of certificates of practice. Under Sub-Section (1) thereof, every notary, who intends to practice 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 authorizing him to practice for a period of five years from the date on which the certificate is issued to him. Section 5(2) enables the Government appointing the notary, on receipt of an application and the prescribed fee, to renew the certificate of practice of any notary for a period of five years at a time. The discretion conferred on the Government, under Section 5(2) of the Act, is to renew the certificate of practice of any notary for a period of not more than five years at a time. While no notary can seek renewal of his notary certificate for a period of more than five years, it is always open to him, before expiry of his earlier term of five years, to seek renewal, for a further period of five years, on payment of the prescribed fee. On any such request being made, the Government is required to consider whether or not to renew the notary certificate of the said person.

15. Section 9 of the Act bars practice without a certificate and under Sub-Section (1) thereof, subject to the provisions of this Section, 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 of the Act. Section 10 relates to removal of names from the Register, and clause (f) thereunder confers power on the Government appointing any notary, by order, to remove, from the Register maintained by it under Section 4, the name of the notary if he does not get his certificate of practice renewed.

16. We are in agreement with the opinion of the learned Single Judge that removal of the name from the register, under Section 10(f) of the Act, is merely a consequence of the certificate of practice not being renewed. While the Government, undoubtedly, has the power to delete the name of a notary from the register, on expiry of his term of office of five years in case the certificate of practice is not renewed, the question which necessitates examination is whether any right is conferred on a notary to seek renewal of his certificate, on expiry of his earlier term.

17. It is useful, in this context, to take note of relevant provisions of the Rules. Rule 3, which prescribes the qualification for appointment as a notary, stipulates that no person shall be eligible for appointment as a notary unless, on the date of the application for such appointment, he fulfilled the qualifications stipulated in clauses (a) to (c). The qualification, prescribed in Section 3(a), is that the person should have been in practice at least for a period of ten years. Rule 4 relates to the application for appointment as a notary. Rule 8(4) stipulates that, where the application is allowed, the appropriate Government shall appoint the applicant as a notary, and direct his name to be entered in the Register of Notaries maintained by that Government under Section 4 of the Act, and issue to him a certificate on payment of the prescribed fees.

18. Rule 8(B) relates to Renewal of the Certificate of Practice and stipulates that the certificate of practice, issued under sub-rule (4) of Rule 8, may be renewed for a further period of five years on payment of the prescribed fee; and an application for renewal of the Certificate of Practice shall be submitted to the appropriate Government before six months from the date of expiry of the period of its validity. A conjoint reading of Section 5(2) of the Act, with Rule 8(B) of the Rules, makes it clear that a notary is entitled to seek renewal of his notary certificate on expiry of his term of five years. The only restriction, in granting such renewal, is that the period of renewal cannot extend beyond a period of five years at a time. A notary is not disabled from making an application to the State Government to renew his certificate even in cases where it was renewed earlier for a period of five years.

19. Absence of a specific procedure being prescribed in the Rules, for considering requests for renewal, may necessitate the inference that the procedure prescribed for appointment, under Rules 4 to 8 of the Rules, should be followed even in the cases where renewal of the certificate is sought. It is unnecessary for us to examine this aspect in the present proceedings, as we are satisfied that the order, impugned in the Writ Petition, necessitates being set-aside on other grounds. Section 5(2), no doubt, confers discretion on the Government to renew the certificate of practice of a notary for a period of five years at a time. Such discretion, either to renew or not to renew the notary certificate cannot be exercised on the whims and fancies of the concerned authorities, and must accord with reason. Fairness in action is a pre-requisite for proper exercise of discretion, and the concerned authorities should take a decision for just and valid reasons.

20. What the rule of law demands is not that wide discretionary power should be eliminated, but that the law should control its exercise. The first requirement is the recognition that all power has legal limits. The next requirement, no less vital, is that the Courts should draw those limits in a way which strikes the most suitable balance between executive efficiency and legal protection of the citizen. The Legislature often confers, upon public authorities, powers which, on their face, may seem absolute and arbitrary. But arbitrary power and unfettered discretion are what the Courts refuse to countenance. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition)]. There is room for exercise of discretion within the operation of the rule of law, even though it should be restricted to the extent necessary for proper governance. (Supreme Court Advocates-on-Record Association and another vs. Union of India AIR 1994 SC 268). Every activity of a public authority must be informed by reason and guided by public interest. All exercise of discretion or power by public authorities must be judged by that standard. (M/s Dwarkadas Marfatia & Sons vs. Board of Trustees of the Port of Bombay (1989) 3 SCC 293). The concept of unfettered discretion is inappropriate to a public authority which possesses powers solely in order that it may use them for the public good. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition)]. A public authority must act reasonably and

in good faith and upon lawful and relevant grounds of public interest. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Re Brocklehurst (1978) Ch. 14; Chapman v. Honig (1963) 2 QB 502).

21. 'Discretion' should be exercised according to the rules of reason and justice, not according to private opinion: according to law and not humour. It should not be arbitrary, vague, and fanciful, but legal and regular. And it must be exercised within the limit to which an honest man, competent to the discharge of his office, ought to confine himself. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Shaarp v. Wakefield (1891) AC 173; R.v. Wilkes (1770) 4 Burr. 2527 at 2539]. Whenever a Statute or a statutory rule confers power on a statutory authority, how so ever wide it may be, such discretion should be exercised reasonably. (Consumer Action Group & another vs. State of T.N. & others (2000) 7 SCC 425). Statutory power, to be exercised for a public purpose, is conferred as it were upon trust, not absolutely. In a system based on the rule of law, unfettered discretion is a contradiction in terms. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Commissioners of Customs and Excise v. Cure and Deeley Ltd. (1962) 1 QB 340, especially at 366-7).

22. Discretionary power conferred upon public authorities is not absolute, even within its apparent boundaries, but is subject to general legal limitations. These limitations are expressed in a variety of different ways, as by saying that discretion must be exercised reasonably and in good faith, that relevant considerations alone must be taken into account, or that the decision must not be arbitrary or capricious. They can all be comprised by saying that the discretion must be exercised in the manner intended by the empowering Act. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition) and R.v. Commission for Racial Equality ex p. Hillingdon LBC (1982) QB 276]. When a wide power is vested in the authority, it should be exercised with circumspection. Greater the power, greater should be the caution. A discretionary power, which is capable of being exercised arbitrarily, is not permitted by Article 14 of the Constitution of India. (Consumer Action Group (2000) 7 SCC 425). The Legislature can never be taken to have intended to give any statutory body a power to act in bad faith or to abuse its powers. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition)].

23. The discretion of a statutory authority is not unfettered, and should be exercised according to law. That means at least this: the statutory authority must be guided by relevant considerations, and not by irrelevant ones. If its decision is influenced by extraneous considerations, which it ought not to have taken into account, then the decision cannot stand. No matter that the statutory authority may have acted in good faith, nevertheless the decision will be set aside. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition) and Padfield Vs. Minister of Agriculture [1968] UKHL 1].

24. There is, in principle, no such thing as unreviewable administrative discretion, which would be just as much a contradiction in terms as unfettered

discretion. It remains axiomatic that all discretion is capable of abuse, and that legal limits to every power are to be found somewhere. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); R.v. Tower Hamlets LBC ex p. Chetnik Developments Ltd. (1988) AC 858 at 872; Breen vs. Amalgamated Engineering Union (1971) 2 QB 175 at 190; Secretary of State for Employment v. ASLEF (No. 2) (1972) 2 QB 455 at 493; Secretary of State for Education and Science v. Tameside Metropolitan Borough Council (1977) AC 1014]. No law in India can clothe administrative discretion with complete finality, for the Courts can always examine the ambit, and even its exercise, from the point of view of its conformity with fundamental rights. (Treatise on Administrative Law by M.P. Jain).

25. The grounds on which administrative action is subject to control by judicial review are, firstly, 'illegality, the second 'irrationality', and the third 'procedural impropriety'. If the power has been exercised on a non-consideration or non-application of mind to relevant factors, the exercise of power will be regarded as manifestly erroneous. If administrative power is exercised on the basis of facts which do not exist, and which are patently erroneous, such exercise of power will stand vitiated. (Commissioner of Income-tax v. Mahindra and Mahindra Ltd. (1983) 44 ITR 225 (SC); SCT of NCT of Delhi & another vs. Sanjeev @Bittoo (2005) 5 SCC 181 and Council of Civil Service Unions Vs. Minister for the Civil Service 1984 (3) All.ER.935). Courts are slow to interfere with decisions, save in cases where they are tainted by any of the aforesaid infirmities. (Sanjeev @Bittoo (2005) 5 SCC 181).

26. Discretion must also be exercised reasonably. The word 'unreasonable' has frequently been used as a general description of the things that must not be done. For instance, a person entrusted with a discretion must direct himself properly in law. He must call his own attention to the matters which he is bound to consider. He must exclude from his consideration matters which are irrelevant to what he has to consider. If he does not obey those rules, he may truly be said, and often is said, to be acting 'unreasonably'. Similarly, there may be something so absurd that no sensible person could ever dream that it lay within the powers of the authority, [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Short v. Poole Corporation (1926) Ch. 66], such as taking into consideration extraneous matters. It must be so unreasonable that it might almost be described as being done in bad faith, (Associated Provincial Picture Houses Ltd. Vs. Wednesbury Corporation All ER p. 682 and Sanjeev @Bittoo (2005) 5 SCC 181), and must be such that the Court considers it to be a decision that no reasonable body can come to. (Wednesbury Corporation All ER p. 682 and Sanjeev @Bittoo (2005) 5 SCC 181). The Wednesbury test of unreasonableness applies to a decision which is so outrageous in its defiance of logic, or of accepted moral standards, that no sensible person, who had applied his mind to the question to be decided, could have arrived at it. (Council of Civil Service Unions 1984 (3) All.ER.935; Sanjeev @Bittoo (2005) 5 SCC 181; Union of India and Anr. Vs. G. Ganayutham (1997) 7 SCC 463).

27. The rule of reason has become a generalized rubric covering not only sheer absurdity or caprice, but merging into illegitimate motives and purposes, a wide category of errors commonly described as 'irrelevant considerations', and mistakes and misunderstandings which can be classed as self-misdirection. While the abuse of discretion has a variety of differing legal facets, in practice the Courts often treat them as distinct. The one principle that unites them is that powers must be confined within the true scope and policy of the Act. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Lambeth LBC v. Secretary of State for Social Services (1980) 79 LGR 61; Niarchos v. Secretary of State for the Environment (1977) 76 LGR 480 and Anisminic Ltd. V. Foreign Compensation Commission (1969) 2 AC 147]. The standard of unreasonableness is nominally pitched very high: 'so absurd that no sensible person could ever dream that it lay within the powers of the authority, and 'so wrong that no reasonable person could sensibly take that view. [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition); Council of Civil Service Unions 1984 (3) All.ER.935].

28. In the absence of any such prescription in the Act and the Rules, the Government may not be obliged to pass a reasoned order, and when their action is subjected to challenge before the Court, it would be open to them to explain, in the affidavit filed before the Court, the reasons which weighed with them, in refusing to renew the notary certificate of the appellant- writ petitioner.

29. If the authority has a complete discretion under the Act or the Rule, the only question remaining is whether he has exercised it lawfully. (Padfield [1968] UKHL 1). A mandamus can only be issued against the authority if it is shown that, in some way, it acted unlawfully. A Court can make an order if it were shown that the authority (a) failed or refused to apply his mind to consider relevant questions, or (b) misinterpreted the law or proceeded on an erroneous view of the law, or (c) based his decision on some wholly extraneous consideration or (d) failed to have regard to matters which he should have taken into account. (Padfield [1968] UKHL 1). The Court's control cannot be evaded by omitting to specify the grounds of the decision [Administrative Law (H.W.R. Wade & C.F. Forsyth - Tenth Edition)]. While the concerned authority may not be bound to give his reasons for refusing to exercise his discretion in a particular manner, he cannot escape from the possibility of control by mandamus without explanation. If he does not give any reason for his decision, the Court may be at liberty to come to the conclusion that he had no good reason for reaching that conclusion and issue a prerogative writ accordingly. (Padfield Vs. Minister of Agriculture [1968] UKHL 1).

30. In the present case, the appellant-writ petitioner was neither informed of the reasons for rejection of his request for renewal, nor has the Government, in the counter affidavit filed in the writ petition, disclosed the reasons which weighed with it, in not renewing the notary certificate of the petitioner. This Court would be justified, therefore, in coming to the conclusion that the competent authority

had no good reason for not renewing the notary certificate of the appellant-writ petitioner.

31. Having chosen not to disclose the reasons which weighed with it in rejecting the request of the appellant-writ petitioner, for renewal of his notary certificate, the respondent-State cannot be heard to contend that the petitioner ought to have made efforts to procure a copy of the order of rejection. In the absence of reasons being disclosed even in the counter affidavit filed in the writ petition, as to why the petitioner's request for renewal of his notary certificate was not acceded to, we are satisfied that the action of the Government, in seeking to fill up the vacancy on the ground that the appellant-writ petitioner's certificate had not been renewed, is neither fair nor reasonable, and does not satisfy the test of reasonableness under Article 14 of the Constitution of India.

32. Suffice it, in such circumstances, to dispose of the appeal, setting aside the order passed by the learned Single Judge, and in directing the respondents to take a considered decision on the petitioner's request for renewal of his notary certificate. While we may not be understood to have held that the Government is obligated to renew the appellant-writ petitioner's notary certificate, any decision which the Government may take in this regard (whether or not to renew the notary certificate) must accord with reason, and shall not be whimsical or for extraneous reasons. In the absence of any such prescription in the Act and the Rules, there may not be any obligation to pass and communicate a reasoned order. We are satisfied that, in the facts of the present case and in the light of the failure of the Government to state reasons in the counter affidavit filed in the writ petition as to why the appellant-writ petitioner's request for renewal of his notary certificate was not acceded to, the Government should be directed to examine the matter, take a considered decision, and thereafter communicate its decision to the appellant-writ petitioner.

33. The entire exercise, culminating in a decision being taken, and an order being passed and communicated to the appellant-writ petitioner, shall be completed with utmost expedition, and in any event within two months from the date of production of a certified copy of this order. Till a decision is taken afresh, and is communicated to the appellant-writ petitioner, the vacancy caused, as a result of non-renewal of the appellant-writ petitioner's notary certificate, shall not be filled up.

34. The special appeal stands disposed of accordingly.

No costs.