

(2025) 06 JH CK 0905
In the Jharkhand High Court
Case No : W. P. (C) No. 2180 Of 2025

Sitaram Sharma, S/o Thakur Lal Sharma	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 18-06-2025

Acts Referred:

Bihar Deed Writers Licensing Rules, 1996 — Rule 5, 7(d), 7(1)(d), 7(3)

Citation : (2025) 06 JH CK 0905

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Dr. (Mrs.) Vandana Singh, Ashok Kumar Yadav, Anish Kumar Mishra

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. The instant Writ Petition has been filed by the petitioners for quashing the Order No.8, Memo No.1019; Order No.30, Memo No.1041; Order No.7, Memo No.1018; Order No.20, Memo No.1031; Order No.4, Memo No.1015; Order No.27, Memo No.1038; Order No.13, Memo No.1024 and Order No.15, Memo No.1026 dated 23.07.2019 whereby the prayer of the petitioners for grant of license under the Bihar Deed Writers Licensing Rules, 1996 has been rejected by the Respondent No.3 (Annexure-3 Series).

2. Petitioners are deed writers working in the Bokaro Registry office and are aggrieved by licence being not issued to them under the Bihar Deed Writers Licensing Rules, 1996 [Herein-after be referred as Rule, 1996] for serving as deed writers.

3. Shorn of details, fact of the case is that examination was held as per the provisions under the said Rules, 1996 in which the petitioners appeared, but did not qualify in the said examination, following which, the licence for working as

deed-writers was not issued.

4. It is submitted by learned counsel for the petitioners that in pursuant to the direction passed by this Court in WPC No.5940 of 2018, the petitioners approached the Deputy Commissioner, Bokaro for issuance of licence which has been rejected vide order dated 23.07.2019 (Annexure-3).

5. Instant writ petition is preferred, inter-alia, for quashing the order or rejection of application for licence.

6. It is submitted on behalf of the petitioners that they are working as deed writers for more than ten years, as per the declaration made in Para-5 of the Writ Petition and there is absolutely no complaint against them from any quarter.

7. Rule 7(d) of the said Rule 1996 specifically provides that licence can be granted if one is otherwise fit to be given licence. It is contended that passing of examination is not mandatory as it can be issued under this clause if the person is otherwise competent. Petitioners have written thousands of deeds which have not been disputed by the State, therefore, the petitioners deserve to be given benefits under Rule 7(1)(d) of the said Rule, 1996.

8. As a matter of fact, even after the examination, they have been working as deed writers which has not been disputed.

9. It is further submitted that a joint application was also filed by the deed writers with licence to the Registrar for permitting these petitioners to continue as deed-writers considering the workload.

10. Learned counsel for the State submits that the examination was held in terms of Rule 5 of the said Rule, 1996 in which the petitioners did not pass the same and consequently, the licence(s) was not issued in favour of them.

11. Further, so far as Rule 7(d) of the said Rule, 1996 is concerned, it is discretionary in nature and representation for licence has been rejected vide the impugned Memo/ order against which the petitioners have remedy under Rule 7(3) of the said Rule, 1996 before the Respondent No.2- [Inspector General Registration, Revenue Registration and Land Reforms Department, Government of Jharkhand, Dhurwa, Ranchi].

12. Having heard, learned counsel for both the sides, it is indisputable that this is second round of litigation and at this belated stage, it will not be proper to relegate the petitioners to the appellate forum when this plea was not raised in the earlier Writ Petition which was filed before this Court. Further, Rule 7(1)(d) of the said Rule, 1996 it appears that passing of examination is not a mandatory requirement and licence can be granted if a person is otherwise fit. No reason has been assigned for not considering the application of the Petitioners in the light of Rule 7(1)(d)

13. In this view of the matter, the impugned Memo(s)/ order(s) is set aside.

14. Respondent No.3 [The Deputy Commissioner-cum- District Registrar, Registry Office, Chas, Bokaro, Jharkhand] is directed to pass order afresh within four weeks from the date of receipt/ production of a copy of this order by specifying the reasons therein.

Writ Petition stands disposed of. Pending I.A., if any, stands disposed of.

15. Let a copy of this order be communicated to the Respondent No.5 [Deputy Commissioner, Bokaro] for its compliance at once.