

(2018) 08 CHH CK 0212

Chhattisgarh High Court

Case No: Writ Petition (C) No. 526 Of 2014

Suresh Kumar Kalar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 21, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Dharendra Prasad Goswami, Shashank Thakur

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner has prayed for issuance of appropriate writ directing the respondents to consider his candidature for appointment as Notary for

Tahsil/Civil Court Pendra Road, District Bilaspur.

2. Admittedly, vacancy for appointment of one post of Notary for Tahsil/Civil Court Pendra Road, District Bilaspur was notified by the Department of

Law & Legislative Affairs, Government of Chhattisgarh, on 21-8-2012 upon which the District & Sessions Judge, Bilaspur, issued a memorandum

inviting applications from the intending candidates/Lawyers for which the last date of submission of application form was 17-9-2012.

3. Under the Rules governing selection or appointment of Notary under the Notaries Act, 1952 the concerned Advocate has to have regular practice

of more than 10 years on the date of moving the application. Petitioner would claim that his date of enrollment issued by the State Bar Council of

Chhattisgarh being 28-1-2002 he had completed 10 years of practice, therefore, he should have been called for interview but his name was not

included by the District & Sessions Judge in the panel of Advocates recommended for consideration for appointment as Notary, therefore, he was not called for interview.

4. Return has been filed by the respondent No.1/State of Chhattisgarh. Yesterday (20-8-2018) when the matter was heard no one appeared for the respondent No.2, therefore, this Court summoned the original record relating to the subject matter from the office of the District & Sessions Judge, Bilaspur, which has been produced today.

5. On perusal of the record, it appears the petitioner submitted a certificate of practice issued by the Bar Association, Pendra Road, certifying that the petitioner is enrolled with the State Bar Council of Chhattisgarh on 28-1-2002, but has joined the Bar on 6-2-2003, therefore, while shortlisting the candidates the District & Sessions Judge, Bilaspur, has taken the length of practice of the petitioner to be falling below 10 years and, as such, the petitioner was not found eligible for recommendation for undergoing the interview by the Department of Law & Legislative Affairs, Government of Chhattisgarh.

6. In the considered opinion of this Court, the certificate of practice issued by the Bar Association, Pendra Road, clearly mentions that the petitioner started practice w.e.f. 6-2-2003, therefore, the recommendation made by the District & Sessions Judge, Bilaspur, was strictly based on petitioner's own documents and there is no fault in the list of panel recommended by the District & Sessions Judge, Bilaspur.

7. Ex consequenti, the writ petition, sans substratum, is liable to be and is hereby dismissed.

8. The original record be sent back to the District & Sessions Judge, Bilaspur.