

In the High Court of Judicature for Rajasthan
Jaipur Bench

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- 1-Civil Writ Petition No.3898/2010
Ashok Kr. Sharma ***Versus*** State & Anr.
- 2-Civil Writ Petition No.428/2010
Mahesh C.Mudgal ***Versus*** State & Anr.
- 3-Civil Writ Petition No.199/2010
Raj Bahadur Jain ***Versus*** State & Anr.
- 4-Civil Writ Petition No.195/2010
Saroj Sharma ***Versus*** State & Anr.
- 5-Civil Writ Petition No.3049/2010
Ram Avtar Khandelwal ***Versus*** State & Anr.
- 6-Civil Writ Petition No.2839/2010
Gopal Prasad ***Versus*** State & Anr.
- 7-Civil Writ Petition No.3411/2010
Bhagwan S.Fauzdar ***Versus*** State & Ors.
- 8-Civil Writ Petition No.166/2010
Aftabuddin ***Versus*** Secy Govt. & Anr.
- 9-Civil Writ Petition No.167/2010
Madanlal Dubey ***Versus*** Scy Govt. & Anr.
- 10-Civil Writ Petition No.7405/2010
Ram Avtar Tamra ***Versus*** State & Anr.
- 11-Civil Writ Petition No.611/2010
Mohan Lal Gaur ***Versus*** State & Ors.
- 12-Civil Writ Petition No.15293/2009
Om Prakash Sharma ***Versus*** State & Anr.
- 13-Civil Writ Petition No.3519/2010
Surendra Pal S.Parmar ***Versus*** State
- 14-Civil Writ Petition No.7853/2010
Shambhoo Nath Singh ***Versus*** State & Anr.
- 15-Civil Writ Petition No.7669/2010
Bhagwan Singh ***Versus*** State & Anr.
- 16-Civil Writ Petition No.8039/2010
Shailesh Kr. Jain ***Versus*** State & Ors

Date of Order ::: 28/05/2010

Hon'ble Mr. Justice Ajay Rastogi

Sarva Shri Manish Sharma, Virendra Dave, Sanjay Sharma,
VS Fauzdar, Anoop Pareek, Anil Jain, Rampratap Saini,
Anil Upman, Laxman Mandhani & Raj.K.Sharma &
Narendra S.Dhakad, for Petitioners :
Mr. NA Naqvi , Addl. Adv. General for respondents State

Since all these petitions involve
common question, hence at joint request, were
heard together and are being disposed of by

present order.

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.

Counsel jointly submit that the issue raised in instant petitions has been examined in two separate bunch of petitions (1) by coordinate Bench of this Court vide judgment dt.18/12/2009 in Smt. Asha Bhansali & Ors. Vs. 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 & Ors Vs. 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."

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.

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 & Ors Vs. 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.

(Ajay Rastogi), J.