

Supreme Court of India

Tamil Nadu Documents Writers ... vs State Of Tamil Nadu And Others on 22 March, 1993

Equivalent citations: AIR 1994 SC 1455, 1994 Supp (3) SCC 757

Bench: B J Reddy, N Venkatachala

ORDER

1. The Tamil Nadu Document Writers Association, petitioner in this writ petition, has both Document Writers and Copy Writers in Tamil Nadu as its members. Licensing of these two categories is governed by two different sets of rules. The Document Writers are governed by Tamil Nadu Document Writers Licence Rules 1982, whereas the Copy Writers are governed by the Tamil Nadu Copy Writers Licence Rules 1971. By G. O. Ms. No. 317, Commercial Taxes and Religious Endowments dated May 23, 1990, both the sets of rules were amended. We are concerned only with two of the provisions in these amending rules. By introducing Rule 4(A) in the Document Writers Rules, it was provided that "the persons holding Document Writers Licence as on May 23, 1990 shall continue as such till they complete sixty years of age". By Rule 7(2), it was provided that "no person shall be eligible to apply for Document Writers Licensing Test unless he has passed the Higher Secondary Examination or its equivalent examination". So far as the Copy Writers are concerned the Amendment provided by the Proviso to Rule 7(2) that "The persons holding Copy Writers Licence as on May 23, 1990 may continue as such till they complete sixty years of age". It was further provided by Rule 7(2) that "no person shall be eligible to apply for the test prescribed in Rule 8 unless he has passed the 10th standard or its equivalent examination".

2. Some of the document-writers approached the Madras High Court by way of Writ Petition 931 of 1990 and batch complaining of the said amendments to Document Writers Rules. The Madras High Court by its Judgment and Order dated October 11, 1991 declared that Rule 4(A) is not only vague, inherently defective and indefinite but is also violative of Arts. 14 and 19(1)(g) of the Constitution of India. The said Judgment has become final. Indeed the learned Counsel for the State of Tamil Nadu stated before us that the Government has taken a conscious decision not to file an appeal against the said Judgment.

3. The present Writ Petition along with Civil Appeal No. 3187 of 1991 came up before a Bench comprising S. Ranganathan, J. and one of us (B. P. Jeevan" Reddy, J.) on September 24, 1992. At that stage a copy of the Judgment of the Madras High Court aforesaid was not made available to this Court. Accordingly the Bench considered only the rule which provided that the document writers should obtain the higher-grade typewriting qualification to enable them to get a licence. The appeal was disposed of under the following order:

In our opinion the High Court's judgment calls for no interference in so far as it has given relief to the appellant and directed that document' writers should get higher grade typewriting qualification only in one language either English or Tamil but not both. Otherwise the requirement that the document writers should have a higher grade qualification in typewriting does not appear to be an unreasonable restriction and we agree with the High Court in this respect.

It appears to us, however, that having regard to the sudden change in qualification prescribed by the Government, it is necessary and it will also be equitable on the part of the Government to give to the members of the Association, having their licences in earlier years, an adequate opportunity to qualify themselves as required by the amended rules. We, therefore, consider it reasonable to hold that the new rules should not be implemented in respect of persons who had been having licences prior to 4-8-89, unless they fail to qualify in the higher writing examination within such reasonable period not less than three years from today as the Government may prescribe. We hope the Government will implement this by issuing orders to this effect immediately. The appeal is disposed of accordingly.

4. The writ petition has now come before us for orders. So far as the document writers are concerned their grievance is redressed by the judgment of the Madras High Court and also the orders of this Court in the civil appeal aforesaid. Now remain only the Copy Writers. So far as the requirement of age prescribed by the Proviso to Rule 7(2) of the Copy Writers Licence Rules is concerned, we are of the opinion that the principle which applies to the document writers can also be made applicable to the Copy Writer. Therefore, without going into the merits of the controversy we direct that the requirement of age prescribing in the said proviso shall not be enforced with respect to those copy writers who were granted licences prior to 23rd May, 1990. The licences in their favour shall be renewed according to rules, without reference to the said Proviso. Now remains the requirement of passing of the 10th standard or its equivalent examination for a copy writer to become eligible to appear for the test prescribed by Rule 8. The said educational qualification is prescribed by Rule 7(2) as amended in 1990. No grievance is made with respect to this Rule either in the writ petition or in the rejoinder affidavits filed by the petitioner. Evidently, it has no relevance to those who have already appeared for the test prescribed by Rule 8, passed and obtained licence.

4. No further directions are called for.

5. The writ petition is disposed of with the above direction. No costs.