

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37341 of 2017

ORDER:

The petitioner challenges Notification Rc.No.D3/3505/2015, dated 06.09.2017 along with Order Proc.No.D3/3505/2015, dated 06.09.2017, issued by the 2nd respondent as illegal, arbitrary and unconstitutional.

Learned counsel appearing for petitioner fairly states that the Notification impugned in the writ petition is appealable, but in the case on hand, the petitioner was denied the remedy of appeal for the 2nd respondent did not serve copy of impugned Notification.

The Assistant Government Pleader (Social Welfare) submits that the remedy of appeal is a statutory remedy and on the ground that the copy is not served on the petitioner, this Court may not consider entertaining the writ petition.

I have perused the record and this Court is of the view that the petitioner should be allowed to file statutory appeal along with an application for condonation of delay and also application for stay before the 1st respondent within two weeks from today by enclosing a copy of this order.

The 1st respondent considers passing orders on the interlocutory applications filed by petitioner within two weeks from the date of presentation of appeal.

The parties are directed to maintain status-quo as on date vis-à-vis the social status of petitioner for a period of six weeks from today.

Hence, the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 08-11-2017
Prv



S. V. BHATT, J

