

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1115 of 2025**

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DHARMSHI MYAJARBHAI JARU & ORS.

Versus

THE STATE OF GUJARAT

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Appearance:

MR HARDIK C RAWAL(719) for the Petitioner(s) No. 1,2,3,4,5

MR.DEVARSHI H. RAWAL(16355) for the Petitioner(s) No. 1,2,3,4,5

MR SAHIL TRIVEDI, LD.ASSTT. GOVERNMENT PLEADER for the
Respondent(s) No. 1

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CORAM:**HONOURABLE MRS. JUSTICE MAUNA M. BHATT**

Date : 27/01/2025

ORAL ORDER

1. Heard learned advocate Mr.Hardik Rawal for the petitioners. Learned advocate Mr.Hardik Rawal submitted that Notification dated 01.01.2025 is contrary to Article 243-Q of the Constitution of India as it does not refer to all five factors for issuance of Notification. Learned advocate by placing reliance on decision of the Hon'ble Supreme Court in the case of **Champa Lal v. State of Rajasthan** reported in **AIR 2018 SC 2352**, submitted that there has to be reference of all five factors, whether considered or not, which has not been done in the present case and therefore, Notification deserves to be interfered with.

Learned advocate Mr.Hardik Rawal for the petitioners by placing reliance on the above referred decision, prayed for interim relief.

2. On the other hand, learned Assistant Government Pleader Mr.Sahil Trivedi for the respondent by placing reliance on language of Article 243(Q), submitted that under the said Article, Governor is empowered to consider any of the criteria and the same has been done in this case. Article doesn't contemplate mandatory requirement of fulfilling all the criteria and this again be supported by using of language "or such other factors as may be deemed fit". Therefore, wide powers are assigned for issuance of such Notification. In this case, the Notification being very explanatory on the ground that five factors have been considered and being fulfilled, the Notification has been issued and therefore, no interference is called for.

3. Considering the submissions, issue **Notice** returnable on 28.02.2025. Learned Assistant Government Pleader Mr.Sahil Trivedi waives service of Notice on behalf of the respondent.

4. Steps taken, if any, by the State would be subject to final result of the present petition.

(MAUNA M. BHATT,J)

DIPTI PATEL