

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 264/2023

State Of Rajasthan

----Appellant

Versus

Mrs Nik-Hat Fatima Wife Of Shuja Sabri D/o Shri Abdul Samad Rizvi

----Respondent

For Appellant(s) : Mr. S.S. Raghav, AAG

For Respondent(s) : Mr. C.P. Sharma

HON'BLE THE CHIEF JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SAMEER JAIN

Order

06/10/2023

1. Prayer in this application (I.A. No.104/2023) is for condonation of delay of 236 days in filing the appeal.
2. Having gone through the contents of the application which is duly supported by an affidavit and on considering the submissions made by the counsel for the parties, we accept the prayer made in this application as the delay has been duly explained by the applicant-appellants.
3. The present application therefore, stands allowed and delay of 236 days in filing the appeal stands condoned.
4. Let notice be issued to the respondent.
5. Mr. C.P. Sharma, learned counsel accepts notice on behalf of the respondent. He has produced an order dated 15.05.2023 passed by the Hon'ble Supreme Court in the case of **The State of Rajasthan & Ors. Vs. Firdos Tarannum & Anr.- Special Leave Petition (Civil) No.15953/2023**, whereby notice has

been issued to the respondents on an appeal preferred by the State, wherein limited stay has been granted.

6. Learned counsel for the State has produced another order dated 21.03.2023 passed by the Hon'ble Supreme Court in the case of **The State of Rajasthan & Ors. Vs. Gomi- Special Leave Petition (Civil) No.4597/2023**, wherein there has been stay on the operation of the order passed by this court.

7. It appears that the said order had not been brought to the notice of the Hon'ble Supreme Court at the time of hearing. Since the judgment where the same issue has been involved relating to the same selection and the same institution, operation of the order has been stayed. We, therefore, in the present case stay the operation of the judgment during the pendency of the appeal.

8. List on 09.01.2024.

(SAMEER JAIN),J

(AUGUSTINE GEORGE MASIH),CJ

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