

W.P.(C). No.23001 of 2017

22.02.2018 Neither side is appearing for the constraint involving resolution passed by the Orissa High Court Bar Association to abstain from Court work.

Perused the pleadings involving the writ petition. Perusal of the impugned order at Annexure-1, this Court finds, the order involved therein is an outcome of a proceeding under Rule-6 of the Orissa Miscellaneous Certificate Rules, 1984. Following the provision at Rule-8 of the Orissa Miscellaneous Certificate Rules, 1984 the petitioner has a clear remedy of appeal. For the petitioner also making a reference of the Orissa Caste Certificate (for SC & ST) Rules, 1980, assuming the application was considered under Orissa Caste Certificate (for SC & ST) Rules, 1980 following the provision at Rule-9, the petitioner has a clear remedy of appeal. For this Court finding the petitioner has a statutory appeal remedy, this writ petition is permitted to be withdrawn with liberty to the petitioner to file appeal as appropriate before the competent authority within a period of fifteen days hence along with a copy of the order of this Court. In such event, the appeal shall be entertained and disposed of on merit without entering into the question of limitation as the petitioner has challenged the rejection order dated 07.10.2017 in this Court within one month of passing of the impugned order, i.e., on 01.11.2017.

The writ petition stands disposed of with the above liberty.
Issue urgent certified copy on proper application.

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Biswanath Rath, J.