IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.2593 of 2026

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VEJA NATHABHAI MAKAVANA
Versus
STATE OF GUJARAT & ORS.

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Appearance :
MR. RAVI L. GARCHAR for the Petitioner.
MR AAKASH GUPTA, AGP for the Respondent Nos.1,2,3,4

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CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 26/02/2026
ORAL ORDER

1. Heard learned Advocate Mr. Ravi L. Garchar on behalf of the petitioner and learned Assistant Government Pleader on behalf of the respondents – State.

2. **Rule returnable forthwith**. Learned Assistant Government Pleader waives service of rule on behalf of the respondent – State.

3. By way of this petition, the petitioner inter alia challenges the inaction on part of the respondents, more particularly, the Scrutiny Committee of not verifying the caste certificate issued in favour of the petitioner, which has led to the petitioner, who is selected for the post of Vidhya Sahayak (Primary Teacher) - Class III, but not getting appointment.

4. Learned advocate for the petitioner would draw the attention of this Court to an order of learned Co-ordinate Bench

dated 26.07.2021 which has been confirmed by Hon'ble Division Bench vide an order dated 25.11.2021 and whereas learned Advocate would submit that in a similar scenario, since the Scrutiny Committee had not verified the caste certificate within reasonable time, the learned Co-ordinate Bench was pleased to direct the respondent authorities to give provisional appointment to the petitioner therein more particularly within a period of two months from the date of receipt of writ of the Court and whereas it was also clarified that if the caste certificate of the petitioner was found not to be genuine, the petitioner would not be entitled to benefit of provisional appointment. It was further clarified that if the caste certificate was found genuine it will be open for the petitioner to claim actual appointment from the date his juniors were appointed and also continuity of service and other benefits.

4.1. Learned advocate for the petitioner would also draw the attention of this Court to **order dated 25.11.2021 passed by Hon'ble Division Bench in Letters Patent Appeal No.984 of 2021** whereby the above-referred order of learned Co-ordinate Bench had been challenged and whereas vide said order, the Hon'ble Court had also rejected the challenge, confirming the order of the Hon'ble Division Bench. Learned Advocate for the petitioner would submit that since the issue in question in the petition before the Hon'ble Co-ordinate Bench and the subject in issue in the present petition being the same, this Court may pass similar order in this petition also.

5. Learned Assistant Government Pleader for the respondents, while could not dispute the fact about orders being passed by the learned Co-ordinate Bench and whereas, the same

being confirmed by the Hon’ble Division Bench, and would submit that the State is contemplating to have a comprehensive exercise more particularly considering the fact that certain aspects of the issue in dispute are pending before the Hon’ble Division Bench. He would further submit that in any case, if, similar orders were to be passed then some more time may be granted to the Government.

6. Having regard to the submissions made by learned advocates for the parties, in the considered opinion of this Court, order dated 26.07.2021 passed by learned Co- ordinate Bench in Special Civil Application No. 1858 of 2021 confirmed by Hon’ble Division Bench was passed in similar set of facts and therefore the decision would be binding on this Court and whereas judicial propriety demands that this Court should also follow the same view as laid down by learned Co-ordinate Bench confirmed by Hon’ble Division Bench.

7. Having regard to the same, it is directed that the respondents shall give provisional appointment to the petitioner to the post of Vidhya Sahayak (Primary Teacher) - Class III, subject to the final decision taken by the Scrutiny Committee. Such order shall be issued by the respondents within a period of four months from the date of receipt of writ of this order.

8. It is clarified that in case the Scrutiny Committee comes to a conclusion before the period of four months that the caste certificate produced by the petitioner was not genuine then the respondents are not required to give provisional appointment to the present petitioner. In this regard that it is further clarified that before finally deciding as to the genuineness of the caste

certificate, all procedure as contemplated under the law shall be followed by the respondents.

8.1 It is further clarified that in case the Scrutiny Committee does not take any decision as regards the genuineness of the caste certificate then provisional appointments shall be issued to the petitioner on the post referred to herein above and whereas, after the Scrutiny Committee comes to a conclusion, as regards the veracity and genuineness of the caste certificate of the petitioner then;

(A) in case if the caste certificate is not found to be genuine, it would be for the respondents to forthwith terminate the services of the petitioner or not to further extend provisional appointment,

(B) if the caste certificate is found to be genuine, then, it will be open for the petitioner to claim seniority and all other benefits including, but not limited to, continuity of service etc., as would be available to the petitioner from the date, when juniors to the present petitioner had been appointed to the post in question.

9. With the aforesaid directions, present petition stands disposed of.

9.1 The petitioner is directed to cooperate with the process of scrutiny of the documents by producing original documents, as and when called by the Scrutiny Committee.

9.1.1 Learned Advocate for the petitioner submitted that the

petitioner will cooperate with the Scrutiny Committee in the aforesaid exercise, but, the petitioner may be informed about the date and time, on which to appear before the Scrutiny Committee in advance, by way of speed post, which shall be done by the Committee. Rule is made absolute to the above extent.

Direct service is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJNISH NARENDRA SAVARIYA(HC00179), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 26/02/2026 15:42:45