IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.3416 of 2026

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LAV BHAYABHAI CHAVDA

Versus

THE GENERAL MANAGER (AD.), GSRTC & ANR.

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Appearance:
MR HARDIK D MUCHHALA for the Petitioner.
MR PARTH PATEL, AGP for the Respondent No.2.
LEEN K DAVE for the Respondent No.1.

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

Date : 24/03/2026
ORAL ORDER

1. Heard learned Advocate Mr. Hardik D. Muchhala on behalf of the petitioner and learned Assistant Government Pleader on behalf of the respondent No.2 and learned advocate Mr. L. K. Dave for the respondent No.1.

2. At the outset, learned advocate appearing for the respondent No.1 has tendered photocopy of the communication dated 6.1.2026 addressed by GSRTC to the Secretary, Scrutiny Committee and communication dated 13.1.2026 addressed to the Divisional Controller, GSRTC by the Member Secretary of the Scrutiny Committee. The same are taken on record.

3. **Rule** returnable forthwith. Learned Assistant Government Pleader as well as learned advocate Mr. L. K. Dave waives service of rule on behalf of the respective respondents.

4. 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 Driver - Class 3, but, not getting appointment.

5. 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.

5.1. 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.

6. Learned Assistant Government Pleader as well as learned advocate Mr. L. K. Dave appearing for the respective 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. She would further submit that in any case, if similar orders were to be passed, then some more time may be granted to the Government.

7. Learned advocate for the petitioner also drew attention of the Court to the fact that though earlier, in similar set of facts, may be in respect of different organizations, the Court has passed several orders based upon order dated 26.7.2021 confirmed by the Division Bench. The only difference in the instant case is that in those cases, while disposing of the petitions, the Court had issued directions to the Scrutiny Committee, but in the instant case, the Scrutiny Committee had already vide communication dated 13.1.2026 which is produced on record by learned advocate appearing for the respondent No.1 has returned the original papers to the GSRTC as the Scrutiny Committee found that those documents were insufficient for the purpose of scrutiny of the Caste Certificate.

7.1 In view of the above, GSRTC is directed to send back all the original papers related to the Caste Certificate to the Scrutiny Committee latest by 10.4.2026 and the Scrutiny Committee is further directed to issue individual notices to each of the petitioners specifically asking them to produce the documents which the Scrutiny Committee requires by granting at least one month's time.

7.2 In the meantime, it is directed that the respondent shall give provisional appointments to the petitioner, to the post of Driver 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, but in any case, only after the fact that each of the petitioners may file an affidavit with the GSRTC that pursuant to the notice that the Scrutiny Committee will issue to the petitioner, they have already supplied the necessary documents as asked for by the Scrutiny Committee. Only upon filing the affidavit that they have already supplied necessary documents asked for by the Scrutiny Committee along with the photocopy of their forwarding letter and documents supplied to the Scrutiny Committee.

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 24/03/2026 17:54:58