

**(2020) 02 GUJ CK 0081**

**In the Gujarat High Court**

**Case No : R/Special Civil Application No. 3222 Of 2020**

**Arunkumar Rupabhai ParmarVs Oil And Natural Gas Corporation Limited**

---

**Date of Decision : 04-02-2020**

**Acts Referred:**

**Citation : (2020) 02 GUJ CK 0081**

**Hon'ble Judges : Sonia Gokani, J**

**Bench : Single Bench**

**Advocate : Bansi M Karia, Rajvi N Patel**

---

## **Judgement**

Sonia Gokani, J

1. Petitioners are before this Court seeking following reliefs:-

"(A) YOUR LORDSHIPS may be pleased to admit and allow this petition;

(B) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or any other writ order or direction quashing and setting aside the action of the respondents in disqualifying the petitioners and further be pleased to direct the respondent authorities to consider the petitioners eligible to be considered for the final merit and appointment as per the advertisement at Annexure-A to the present petition;

(C) YOUR LORDSHIPS may be pleased to pass an order restraining the respondent authorities from rejecting the applications of the petitioners solely on account of not possessing Domicile Certificate not being obtained on the date of application and further be pleased to direct the respondents to consider the petitioner eligible for appointment.

(D) Pending the admission and final hearing of the petition, YOUR LORDSHIPS may be pleased to restrain the respondents from proceeding ahead with the recruitment process pursuant to the advertisement at Annexure-A to the petition;

(E) Pending the admission and final hearing of the petition, YOUR LORDSHIPS may be pleased to direct the respondent authorities to consider the Domicile Certificate of the petitioners and further to consider them eligible for the

appointment;

(F) Pending the admission and final hearing of the petition, YOUR LORDSHIPS may be pleased to restrain the respondent authorities from rejecting the applications of the petitioners solely on account of not possessing Domicile Certificate not being obtained on the date of application;

(G) Ad-interim relief in terms of D,E and F may kindly be granted.

(H) Any other and further reliefs in the interest of justice may be granted."

2. The petitioners are aspiring to be appointed on the post of Assistant Technicians and Junior Assistant Technicians under the various heads in the Oil and Natural Gas Corporation Limited (herein after referred to as the 'ONGC') - the respondent herein. Their candidature since has been rejected, though their names appear in the qualified merit list, on the ground of their not having possessed the domicile certificate at the time of filing of the application and hence, they are before this Court.

3. This Court has heard learned senior advocate Mr. S.N. Shelat appearing with learned advocate Banshi Karia who has urged that all the petitioners have already qualified themselves and are figuring in the merit list. On the ground of non-fulfillment of the condition specified in the Advertisement No. 01 of 2019 where condition no.7 is said to have been not complied with which requires that a candidate must possess a valid certificate of domicile of the State of Gujarat at the time of on-line application, which the candidate was required to produce at the time of skill test/uploading the documents. The petitioners have been called physically and some are refused the further process of their candidature on the ground of their not possessing the valid certificate of domicile of State of Gujarat.

4. The attention of this Court is drawn to the documents mentioned at Sr. No. 4 under the heading of crucial test of determining the eligibility criteria and the various certificates which are said to be crucial and necessary. It has been pointed out to the Court that domicile certificate is missing in this list and moreover, what is far more important is that candidate must possess the certificate of domicile and all of them are born in the State of Gujarat.

5. Issue Notice returnable on 26.02.2020. Pending admission and final hearing, respondents are restrained from denying the consideration, solely on the ground of non- possessing of the domicile, at the time of making on-line application.

6. Direct service TODAY is permitted.