

(2017) 01 GUJ CK 0202
In the Gujarat High Court
Case No : 11038 of 2014

MUKESH ANANDRAO PATIL & ORS

APPELLANT

Vs

STATE OF GUJARAT & ORS.

RESPONDENT

Date of Decision : 09-01-2017

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2017) 01 GUJ CK 0202

Hon'ble Judges : J.B.Pardiwala

Bench : Single Bench

Advocate : SRUSHTI A THULA, GOUTAM, KAUSHAL D PANDYA

Judgement

1. By this writ application under Article 226 of the Constitution of India, the writ applicants have prayed for the following reliefs; "(A) Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction and direct the respondents to de-reserve the backlog vacancies which were reserved for Scheduled Caste, Scheduled Tribe and other backward caste candidates by way of conversion and further be pleased to direct the respondents to fill up the unfilled reserved vacancies for the post of Vidhya Sahayak for Marathi Medium on the basis of open merit from among the applicants who have applied for the post in question in pursuance of the advertisement no.VSBh- 02/2014 Primary Department (Std 1 to 5- Other Medium);

(B) The Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction and direct the respondents to declare atleast 51% seats for Open Merit Category Candidates.

(C) Pending admission, hearing and final disposal of this petition, Your Lordships may be pleased to direct the respondents their agents, servants and subordinate officers to direct the respondents to dereserve the backlog vacancies which were

reserved for Scheduled Caste, Scheduled Tribe and other backward caste candidates by way of conversion and further be pleased to direct the respondents to fill up the unfilled reserved vacancies on for the post of Vidyasahayak for Marathi medium the basis of open merits from among the applicants who have applied for the post in question in pursuance to the Advertisement no.VSBh-02/2014 Primary Department (Std. 1 to 5 - Other Medium)

(D) Pending admission and final disposal of this petition, Your Lordships may be pleased to direct the respondents, their agents, servants and subordinate officers to direct the respondents to accept the form of the Petitioners and consider them as eligible Candidates for the post of Vidyasahayak.

(E) Your Lordships may be pleased to pass any other and further relief as may be deemed fit and proper in the interest of justice"

2. For the reasons recorded in the judgment and order passed today in the Special Civil Application No.179 of 2010 with Special Civil Application No.180 of 2010, this application is also allowed. 4. The prayer in terms of para-8(B) is granted and the respondents are directed to act accordingly. Rule is made absolute to the aforesaid extent. Direct service is permitted.