

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.836 of 2026

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SEVENTH DAY ADVENTIST HIGHER SECONDARY SCHOOL & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance :

MR MIHIR JOSHI, SENIOR COUNSEL ASSISTED BY MR HARSH N PAREKH for the Petitioners.

MR GURSHARANSINGH H. VIRK, Government Pleader WITH MS DHARITRI PANCHOLI AND VISHVESH PUJARA, AGPs for the Respondents.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 10/02/2026

ORAL ORDER

1. I have heard Mr. Mihir Joshi, learned Senior Counsel assisted by Mr. Harsh N. Parekh for the petitioners and Mr. Gursharansingh H. Virk, learned Government Pleader assisted by Ms. Dharitri Pancholi and Mr. Vishvesh Pujara, learned AGPs for the respondents.

2. By way of this petition, the petitioner has challenged the impugned order dated 15.12.2025. It is reported by learned Government Pleader Mr. Gursharansingh H. Virk that the Management of the School has already been taken over and the impugned order has already been implemented.

3. I have considered the fact that impugned order dated

15.12.2025 is challenged by way of this petition which is presented before this Court on 9.1.2026 and office objections were removed and registration date is 20.1.2026. Thereafter, the matter was listed on 23.1.2026 and on that day, learned advocate for the petitioner had requested for time and that is how, the matter was adjourned to today, which shows that the impugned order dated 15.12.2025 which has already been implemented, is sought to be challenged in the month of February i.e. after one and half month. Further, the petition contains voluminous record as the petition runs into 168 pages and the inquiry was initiated in the backdrop of an unfortunate incident whereby a student was stabbed, off course according to learned Senior Counsel Mr. Joshi that was not the subject matter of inquiry, but considering the fact that even subsequently also, as pointed out by learned GP Mr. Virk that on 6.2.2026, another incident has been reported whereby a student has sustained injury on account of attack by other student by blade, at this juncture, learned Senior Counsel Mr. Joshi has requested to grant ad-relief by at least allowing the School to admit new students, such relief cannot be considered at this stage as the Court is examining the validity and legality of the impugned order. Such examination cannot be done by putting the safety and life of students at risk and, therefore, at this juncture, I do not propose to grant any relief prayed for by learned Senior Counsel for the petitioner.

4. Even otherwise, when the reply is not filed, without considering the version of the State Government, when such grave irregularities and unfortunate incident is reported, the Court in the larger interest of the students do not propose to grant any relief to the petitioner Institution.

5. In view of that, **issue notice returnable on 7.5.2026.** Learned Assistant Government Pleader waives service of notice on behalf of the respondents.

(NIRZAR S. DESAI,J)

SAVARIYA