

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1852 of 2023**

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DINESHBHAI RUPABHAI MAKADIYA

Versus

STATE OF GUJARAT

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Appearance:

MR P S DATTA(11324) for the Petitioner(s) No. 1

for the Respondent(s) No. 2

MR JAY MEHTA, AGP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

Date : 09/02/2023

ORAL ORDER

1. Issue NOTICE returnable on 16th March 2023.
2. It is the case of the petitioner that the petitioner who was duly appointed as Gram Rakshak Dal was thereafter given appointment of Honorary Officer under the Office Order dated 17.10.2017. Thereafter, only on the basis of the involvement of the petitioner in an IPC offence, the petitioner has been straightway demoted from the post of Honorary Officer to the Gram Rakshak Dal.
3. It is submitted that the intention of the respondent was to dismiss the petitioner. However, in view of the protection granted by this Court in the Special Civil Application No.17448 of 2014, the impugned order has been passed.

4. It is the case of the petitioner that though the petitioner is required to be given an opportunity of hearing before passing the impugned order, no such opportunity has been given and straightway the order has been passed merely on the basis of the involvement of the petitioner in criminal offence.

5. It is submitted that as the grant of opportunity and assigning of proper reasons are the requirements under Article 311, therefore, the petitioner is filing the present petition bypassing the alternative remedy that may be available.

6. Direct service is permitted.

/MOINUDDIN

(A.Y. KOGJE, J.)