

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 892 of 2024**

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VIRAMBHAI RANAMALBHAI BHIMBHA

Versus

STATE OF GUJARAT

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Appearance:

MS PRACHI UPADHYAY FOR MR VAIBHAV A VYAS(2896) for the Petitioner(s)
No. 1

for the Respondent(s) No. 2,3,4

MR SAHIL TRIVEDI ASSISTANT GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 22/01/2024

ORAL ORDER

1. Heard learned Advocate Ms. Prachi Upadhyay for learned Advocate Mr. Vaibhav Vyas on behalf of the petitioner who by way of this petition inter alia challenges an order dated 15.11.2023 whereby the petitioner has been denied the benefit of promotion to the post of work charge Karkoon more particularly the respondent considering the case of the petitioner as per the direction of this Court in an earlier round of petition by the petitioner.

2. Considering the submissions made by learned Advocate Ms. Upadhyay it would appear that while three considerations had weighed with the respondents i.e. of the petitioner not passing the departmental examination, the petitioner not completing 240 days in four years and promotion not being possible with deemed date effect, it would appear that all the three considerations, were on completely erroneous basis.

3. Having regard to such a prima facie opinion, issue **Notice** to the respondents returnable on **26.02.2024**. Learned AGP waives service of notice for respondent- State. Direct service for rest of the respondents is permitted.

(NIKHIL S. KARIEL,J)

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