

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 1218 of 2019****In R/SPECIAL CIVIL APPLICATION NO. 13488 of 2017**

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STATE OF GUJARAT & ORS.

Versus

PATEL ASHABEN JASHUBHAI & ORS.

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Appearance:

MS SHRUTI DHRUVE AGP for the Appellant(s) No. 1,2,3

MR MANISH J PATEL(2131) for the Respondent(s) No. 2

MR. R.D.KINARIWALA(6146) for the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 3,4

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA

and

HONOURABLE MS. JUSTICE GITA GOPI**Date : 02/05/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. Learned advocate Mr. R.D. Kinariwala has referred to the provisions of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 and has submitted that as per the proviso to Section 23, the respondent teacher, who has obtained the qualification of T.E.T. within a period of five years is entitled for appointment.

2. However, learned AGP has submitted that since no notification is issued by the State Government, as required under the said proviso of Section 23, the respondent-teacher would not be entitled to appointment.

3. Under the circumstances, it will be open for the respective parties to file additional affidavits premising their

submissions on the provisions of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009. Such affidavit shall be filed on or before next date of hearing.

Stand over to **25.06.2025**.

(A. S. SUPEHIA, J)

(GITA GOPI,J)

Pankaj/2 (Supl.)

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PANKAJ KUMAR PRASAD(HC00967), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/05/2025 18:32:49