

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5381 of 2026**

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GOVIND KARSHANBHAI KARAMATA

Versus

THE GENERAL MANAGER (AD.), GSRTC & ANR.

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Appearance:

MR HARDIK D MUCHHALA(5634) for the Petitioner(s) No. 1

MS. NIDHI VYAS, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 2

MR HS MUNSHAW(495) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 01/07/2026****ORAL ORDER**

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has approached this Court with the following reliefs:-

A. This Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in form of writ of mandamus directing the respondents to issue appointment order to the petitioners at the post of Driver - Class 3;

B. This Hon'ble Court be pleased to hold and declare the action of the respondents in not appointing the petitioners despite being there in the select list is arbitrary, unjust, improper and illegal;

C. This Hon'ble Court be pleased to grant interim

relief by directing the respondents to give provisional appointment to the petitioner on the posts of Driver -Class 3;

D. This Hon'ble Court be pleased to pass such other and further relief as may be deemed just and proper in the facts and circumstances of the case.

2. Heard learned advocate Mr. Hardik Muchhala for the petitioner, learned advocate Mr. H S Munshaw for the respondent No.1 and learned Assistant Government Pleader Ms. Nidhi Vyas for the respondent No.2.

3. Both the learned advocates for the respective parties have jointly submitted that the issue involved in the present petition is already decided by the Coordinate Bench of this Court and therefore considering the same, at the request of both the learned advocates for the respective parties, the present petition is taken up for final hearing at the admission stage.

4. Rule returnable forthwith. Learned advocate Mr. H S Munshaw waives service of rule on behalf of the respondent No.1 and learned AGP waives service of rule on behalf of the respondent No.2.

5. Learned advocate Mr. Hardik Muchhala for the petitioner has drawn the attention of this Court to an order of learned

Coordinate Bench dated 26.07.2021 which has been confirmed by the Hon'ble Division Bench vide order dated 25.11.2021 and whereas, learned Senior advocate submitted that in a similar scenario, since the Scrutiny Committee had not verified the caste certificate within reasonable time, the learned Coordinate Bench was pleased to direct the respondent-authorities to give provisional appointment to the petitioner therein more particularly within a period of two months from the date of receipt of writ of the Court and also clarified that if the caste certificate of the petitioner was found not to be genuine, the petitioner would not be entitled to benefit of provisional appointment. It was further clarified therein that if the caste certificate was found genuine it will be open for the petitioner to claim actual appointment from the date his juniors were appointed and also continuity of service and other benefits.

6. Learned advocate Mr. Hardik Muchhala for the petitioner has also drawn the attention of this Court to order dated 25.11.2021 passed by Hon'ble Division Bench in Letters Patent Appeal No.984 of 2021 whereby the above-referred order of learned Coordinate Bench had been challenged and whereas the Hon'ble Division Bench had also rejected the challenge, confirming the order of the learned Coordinate Bench.

Accordingly, Mr. Muchhala submitted that since the issue in question in the petition before the learned Coordinate Bench and the subject in issue in the present petitioner being the same, this Court may pass similar order in this petition also.

7. *Per contra*, learned Assistant Government Pleader appearing for the respondents while could not dispute the fact about orders being passed by the learned Coordinate Bench and whereas the same being confirmed by the Hon'ble Division Bench, would submit that the State is contemplating to have a comprehensive exercise more particularly considering the fact that certain aspects of the issue in dispute are pending before the Hon'ble Division Bench. It is further submitted that in any case, if similar orders were to be passed, then some more time may be granted to the State Government.

8. Having considered the submissions made by the learned advocates for the respective parties and having gone through the orders passed by the learned Coordinate Bench as well as confirmed by the Hon'ble Division Bench, the facts are identical in nature and therefore, the decision of the Coordinate Bench as confirmed by the Division Bench would be binding on this Court and therefore, considering the judicial propriety, this Court should also follow the same view as laid

down by learned Coordinate Bench confirmed by the Hon'ble Division Bench.

9. Having regard to the same, it is directed to the respondent-authorities to give provisional appointment to the petitioner to the post of Driver Class-III, subject to the final decision taken by the Scrutiny Committee. Such order shall be issued by the respondents within a period of four months from the date of receipt of writ of this order.

10. It is clarified that in case the Scrutiny Committee comes to a conclusion before the period of four months that the caste certificate produced by the petitioner was not genuine then the respondents are not required to give provisional appointment to the present petitioner. In this regard, it is further clarified that before finally deciding as to the genuineness of the caste certificate, all procedure as contemplated under the law, shall be followed by the respondents.

10.1. It is further clarified that in case the Scrutiny Committee does not take any decision as regards the genuineness of the caste certificate then provisional appointment shall be issued to the petitioner in the post referred to herein above and whereas, after the Scrutiny Committee comes to a conclusion, as regards the veracity and

genuinity of the caste certificate of the petitioner then (A) in case if the caste certificate is not found to be genuine, it would be for the respondents to forthwith terminate the services of the petitioner or not further extend provisional appointment (B) if the caste certificate is found to be genuine, then it will be open for the petitioner to claim seniority and all other benefits including but not limited to continuity of service etc. as would be available to him from the date when juniors to the present petitioner had been appointed to the post in question.

10.2. The petitioner is directed to cooperate with the Scrutiny Committee and whereas, in case of any dilatory tactics by the petitioner, it would be open for the respondents to file an appropriate application for appropriate modification of this order.

11. With this aforesaid directions, present petition stands disposed of. Rule is made absolute to the above extent.

Direct Service is permitted.

NIHAL PATEL

(NIRAL R. MEHTA,J)