

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2366 of 2026**

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KATARA BIPINKUMAR SUKHABHAI & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MEET A SHAH(9933) for the Petitioner(s) No. 1,2,3,4,5
MR SAHIL TRIVEDI ASSTT. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 03/09/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Meet Shah on behalf of the petitioner and learned Assistant Government Pleader Mr. Sahil Trivedi on behalf of respondent- State.

2. The grievance which is raised by way of the present petition being that the present petitioner, though similarly situated to petitioners of Special Civil Application No. 26938 of 2006, which had been allowed by learned Co-ordinate Bench vide decision dated 29.07.2022, which decision had been modified by Division Bench of this Court vide order dated 08.04.2024 in Letters Patent Appeal No. 144 of 2023, yet the State has not conferred upon the petitioner the very same benefits as had been conferred upon the petitioners of the above referred petitions.

3. It also appears that the State to implement the decision in Letters Patent Appeal, dated 08.04.2024, modifying order passed by learned Co-ordinate Bench dated 29.07.2022 in Special Civil Application No. 26938 of

2006, had passed Government Resolutions through the Social Justice and Empowerment Department dated 16.07.2024 and Government Resolution dated 29.07.2024 by the Tribal Development Department. It would appear that relevant consideration /condition for extending the benefits are restricted to only such persons who had approached this Court by way of Special Civil Application No. 26938 of 2006 and also who were the members of the Union. A perusal of the G.R, as well as of the writ petition, would not in any manner indicate that the issue in question was personal to the petitioners therein that is to say that the law laid down by this Court was in personam. Rather, it would appear to this Court that the issue was with regard to a class of personsonal, but for the fortuitous circumstance of the petitioners not being the members of the Union i.e part of the earlier round of litigation, the petitioners would have been entitled to all such benefits.

4. To a pointed query raised by this Court, learned AGP could not submit that if the petitioners were similarly situated to the petitioners of Special Civil Application No. 26938 of 2006 then they could be denied the benefits reasonably yet, learned AGP would submit that the State/respondent authorities may be permitted to verify with regard to mode of appointment and also whether the petitioners herein are similarly situated to the petitioners of Special Civil Application No. 26938 of 2006 and whereas subject to such verification, this Court may pass appropriate orders.

5. Considering the fact that Government Resolutions dated 16.07.2024 and 29.07.2024 as per judgement and order dated 08.04.2024 is seeking to confer benefits upon a particular class of persons, to this Court it would appear that there is no reason all persons, of the said class should be denied

the benefits. Having regard to the observations hereinabove, to this Court the following directions would meet with the end of justice:

[1] The State i.e. the Department of the Social Justice and Empowerment and the Tribal Development Department to verify the individual case of the petitioner, as regards the petitioners being similarly situated to petitioners of Special Civil Application No. 26938 of 2006.

[2] The above verification shall be completed by the respondents within a period of four months from the date of receipt of this order.

[3] In case the Department verifies and finds the petitioners as being similarly situated to the petitioners of Special Civil Application No. 26938 of 2006 then all the petitioners shall be conferred with the benefits as entitled to by virtue of Government Resolution dated 16.07.2024 by the Department of Social Justice and Empowerment and Government Resolution dated 29.07.2024 by the Tribal Development Department as per the judgement and order dated 08.04.2024. The benefits shall be conferred upon such entitled petitioners within a period of eight weeks thereafter.

[4] Since a question with regard to the date of entitlement has arisen, more particularly the Hon'ble Division Bench based on which order, the above referred Government Resolutions have been passed, had fixed cut off date of 01.08.2022 i.e. the date of the judgement of the learned Co-ordinate Bench, only insofar as the present petition is concerned since the petition appears to be filed as late as in the year

2025, the date of entitlement would be treated as 08.04.2024 i.e. the date the Hon'ble Division Bench had passed order in the Letters Patent Appeal referred to hereinabove.

[5] The State while verifying the entitlement, of the petitioners, as above, shall also be entitled to verify whether the approval for appointment given to the petitioners were valid or not and in case the State is of the opinion that approval was invalid then the above order shall not preclude the State from taking any appropriate action, albeit, after due process under the law.

6. With the above observations and directions the petition stands disposed of as partly allowed. Direct service is permitted.

Y.N. VYAS

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YAGNESH NARENDRABHAI VYAS(HC00207), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/09/2026 15:48:11