

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2826 of 2026

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CHIRAGKUMAR MOHANBHAI TANK

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MAHARSHKUMAR H UPADHYAY(11697) for the Petitioner(s) No. 1

MR MITUL GAUTAM, AGP for the Respondent(s) No. 1

MR HAMESH C NAIDU(5335) for the Respondent(s) No. 2,3

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 12/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Siddharth Dave for the petitioner.

2. By way of this petition, the petitioner has prayed for the following reliefs:-

(A) Issue a writ of Certiorari or any other appropriate writ, order, or direction, quashing and setting aside the impugned notification dated 09.10.2025 issued by the Respondent Corporation (Annexure F) (Page no. 4^o), by which the recruitment process initiated vide Advertisement No. 13/2024 25 (Annexure A) (Page no.17) was cancelled and further be pleased to direct the respondent authority to complete the said recruitment process and give an appointment order to the petitioner who is duly qualified and whose document verification got completed by

the respondent authority as per the advertisement.

(B) Issue a writ of Certiorari or any other appropriate writ, order, or direction, quashing and setting aside the new recruitment advertisement being Public Notice No. 21/202526 dated 13.01.2026 (Annexure G) (Page no.49) issued by the Respondent Corporation.

(C) Issue a writ of Mandamus or any other appropriate writ, order, or direction, commanding the Respondent Corporation to finalize the selection process pursuant to the Advertisement No. 13/202425 (Annexure A) (Page no. 17 and to issue appointment letters to the Petitioner in accordance with the merit list.

(D) Pending the admission, hearing, and final disposal of this petition, be pleased to stay the further proceedings of the new recruitment process initiated vide Public Notice No. 21/2025-26 dated 13.01.2026 (Annexure G) (Page no. 49).

(E) Pending the admission, hearing, and final disposal of this petition, be pleased to direct the Respondent Corporation to finalize the selection process pursuant to the Advertisement No. 13/2024-25 (Annexure A) (Page no. 17 and to issue appointment letter to the Petitioner in accordance with the merit list or to keep one seat vacant.

F) Award the costs of this petition.

G) Grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. A perusal of the reliefs prayed for would indicate that the petitioner wants to quash the impugned notification dated 09.10.2025 and by way of ad-interim relief, the petitioner has prayed for stay of further proceedings of new recruitment process for the post of Livestock Inspector initiated vide public notice No. 21 of 2025-26 dated 13.01.2026. A perusal of the advertisement would indicate that the last date of submission of application form had already ended on 27.01.2026.

4. To make out a case for ad-interim relief, learned advocate Mr. Dave for the petitioner made the following submissions:-

4.1 The petitioner was competent for being appointed pursuant to the first recruitment process which was canceled vide notification dated 09.10.2025 as the petitioner had succeeded and reached upto the stage of document verification. However the above recruitment was canceled without there being any justification for the same and a new advertisement was published and therefore the new recruitment is required to be stayed.

4.2 If the recruitment process is not stayed, in that case, the petition would become infructuous and third party rights would be created and therefore this is a fit case for grant of ad-interim relief.

4.3 There was a legitimate expectation from the authority that once the petitioner had cleared the competitive examination and reached to the stage of document verification

however, those legitimate expectations were not met with by the respondent by canceling the recruitment and advertising fresh recruitment and hence this is a fit case for grant of ad-interim relief.

4.4 Learned advocate Mr. Dave for the petitioner relied upon decision of Hon'ble Supreme Court in the case of **Partha Das and Ors. v.s. The State of Tripura and Ors.** reported in **2025 Livelaw (SC) 850** and prayed for grant of ad-interim relief as prayed for in the relief clause which is already reproduced above.

5. The petition was opposed by learned advocate Mr. Hamesh Naidu appearing for Ahmedabad Municipal Corporation and more particularly the grant of ad-interim relief. Learned advocate Mr. Naidu submitted that it is purely within the domain of the respondents to decide whether to recruit candidates pursuant to recruitment or not in view of catena of decisions of the Hon'ble Supreme Court. Learned advocate further submitted that even otherwise, the petitioner has approached this Court belatedly for the simple reason that the notification whereby the earlier recruitment process was canceled was published on 09.10.2025 and new advertisement was published on 13.01.2026 and the window to make application pursuant to the said advertisement was open till 27.01.2026 whereas the petition was filed only on 16.02.2026 and for the first time, the same was listed on 03.03.2026 and on that day the same was adjourned to 12.03.2026 which would indicate that after the advertisement was published and the last date for making application was over thereafter, after

passage of almost a months time, the petition was circulated by the petitioner and therefore in view of the fact that the recruitment process has already begun, there is no justifying reason coming forward from the petitioner to stay the advertisement or the recruitment process which is already undergoing. Learned advocate Mr. Naidu also requested for time to file affidavit-in-reply to put forward the version of Ahmedabad Municipal Corporation.

5.1 Learned advocate Mr. Naidu for respondent – AMC relied upon the decision of Division Bench of Calcutta High Court in the case of **Lieutenant Governor and Ors v.s. Kaushik Ganguly and Ors.** reported in **2008 SCC Online Cal 717** and relied upon Paragraph No. 7 of the said judgment whereby the Division Bench of Calcutta High Court by taking into consideration various decisions of the Hon'ble Supreme Court had observed that merely because of person's name appeared in the select list would not give any vested right of selection to the petitioner. Learned advocate further submitted that the fresh recruitment has already begun and at this juncture without there being any justifiable reason the recruitment process may not be stayed.

6. In view of above rival submissions made by the parties as well as considering the fact that the recruitment process pursuant to the earlier advertisement was already canceled as back as on 09.10.2025 by publishing a notification by the Ahmedabad Municipal Corporation however, the petitioner did not challenge the same immediately. In the interregnum by the time the petition could be filed and circulated, the AMC

had come out with an advertisement No. 21 of 2024-25 dated 13.01.2026 and the last date for making application was 27.01.2026. However, the petitioner at the relevant point of time did not approach the Court and challenge the advertisement. It is only after the last date of making application pursuant to said advertisement was over, the petitioner woke up from slumber and preferred this petition and got it circulated after about a month after the last date for making application was over and therefore at this stage when the notification dated 09.10.2025 has already been implemented and fresh advertisement for recruitment has already been issued and pursuant to which the application forms are also received, I do not see any reason to stay the further recruitment process and more particularly in absence of any reply by respondent – Ahmedabad Municipal Corporation, the question about grant of interim relief would be considered at the appropriate stage. However at this juncture I do not find any reason to grant ad-interim relief as prayed by the petitioner. Accordingly prayer to grant ad-interim relief is rejected.

7. Issue Notice returnable on 30.04.2026. Learned Assistant Government Pleader Mr. Mitul Gautam waives service of notice on behalf of respondent No. 1. Learned advocate Mr. Hamesh Naidu waives service of notice on behalf of respondent No. 2 and 3.

(NIRZAR S. DESAI,J)

SHRIJIT PILLAI