

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 2962 of 2026

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RAKESHKUMAR SUBHASHBHAI PATEL SINCE DECD THROUGH HEIRS
& ORS.
Versus
SARDAR VALLABHBHAI PATEL INSTITUTE OF TECHNOLOGY & ANR.

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Appearance:

MR SANDIP H MUNJYASARA(10781) for the Petitioner(s) No. 1,1.1,1.2
HARSHESH R KAKKAD(7813) for the Respondent(s) No. 2
MR. D. P. KINARIWALA(410) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 06/03/2026
ORAL ORDER

1. By way of this petition, the petitioners have prayed for following reliefs:

“A. YOUR LORDSHIPS may be pleased to issue a writ of certiorari and/or any other appropriate writ or orders or directions be issued to quash and set-aside impugned orders dated 12.02.2026 at Annexure-I (Colly) (relevant Pg. No.11) and Annexure-II (relevant pg. No.30) passed by Ld. Tribunal and consequently be pleased to allow misc. applications at Annexure-I (Colly) and Annexure-II to enable the applicants to withdraw main matter being Application No.33 of 2021 (C) at Annexure-IV (Pg. No.33-41) pending before Ld. Tribunal in view of matter is amicably resolved between the parties; AND

B. YOUR LORDSHIPS may be pleased to issue a writ of mandamus and/or any other appropriate writ or orders of directions be issued declaring that the main matter being Application No.33 of 2021 (C) at Annexure-IV (Pg. No.33-41) pending before Ld. Tribunal is withdrawn unconditionally; AND

*C. ****”*

2. This is a classic case of how an absolutely innocuous order also can be challenged by filing the petition. What is challenged

by way of this petition is an order passed by the Gujarat Educational Institutions Services Tribunal at Ahmedabad (hereinafter to be referred as “the Tribunal”) dated 12.02.2026, whereby upon an application seeking bringing legal heirs of the petitioner on record, the Tribunal has passed an order “fixed for reply and hearing”.

3. The aforesaid order was immediately challenged by the petitioners by preferring a petition, which as per the record was affirmed on 18.02.2026 and the record also indicates that initially, there were office objections in the petition, which could be removed only on 27.02.2026, meaning thereby that after filing the matter for about 9 days, the office objections were not removed. Thereafter, the matter was listed before this Court yesterday i.e. on 05.03.2026, and learned advocate Mr. Sandip H. Munjyasara for the petitioner requested to keep the matter today.

4. Today, it was informed by learned advocate Mr. Munjyasara that the main matter, which was kept for reply and hearing, is kept on 16.03.2026.

5. Despite the fact that the matter is listed on 16.03.2026 i.e. just after 10 days from today, learned advocate Mr. Munjyasara kept insisting to hear the matter by stating that the cheque that has been given to the present petitioners, is valid only up to 18.03.2026, and therefore, his insistence was to direct the Tribunal to hear and decide the application being Miscellaneous Application No.1 of 2026 in Application No.33 of 2021.

6. Merely because cheque is valid only up to 18.03.2026, the same in any case cannot be termed as “a valid reason” to pressurize the Tribunal to hear and decide the matter on that very day itself. If a cheque is issued in favour of petitioner having validity only up to 18.03.2026, in that case, either the petitioner could have made an application before the concerned Tribunal for early hearing, which was not done in the present

case or could have requested the authority, which has issued the cheque to extend the validity period. That also has not been done, as the same does not appear from the record. The Court specifically asked learned advocate Mr. Munjyasara that, whether any such application or request for extension of validity of cheque has been made or not. It was informed to the Court that no such application was made nor any attempt to extend the validity of cheque was made. If for such small reasons, a petition is filed, it does not mean that the Court should entertain all such petitions and by issuing directions, pressurize the Tribunal. The Court today is not aware about the pendency of cases before the Tribunal and how much workload the Tribunal is having. Therefore, I do not see any reason to entertain such petition. The same is required to be dismissed, and accordingly dismissed.

RINKU MALI

(NIRZAR S. DESAI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RINKU MALI(HC01574), PRIVATE SECRETARY, at High Court of Gujarat on 09/03/2026 18:10:24