

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2736 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/SPECIAL CIVIL APPLICATION NO. 2736 of 2025**

=====
DR. SHISHIR KUMAR GUPTA

Versus

UNION OF INDIA & ORS.
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Appearance:

MR GM JOSHI, SR. ADVOCATE, MR. MEHUL A SHARMA(16314) for the
Petitioner(s) No. 1

MR PRADIP D BHATE(1523) for the Respondent(s) No. 1

MR UDAYAN P VYAS(1302) for the Respondent(s) No. 2,3
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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 13/04/2026****COMMON ORAL ORDER**

1. Heard, learned Sr. Advocate, Mr. G.M. Joshi, appearing with learned Advocate, Mr. Sharma, for the petitioner and learned Advocate, Mr. Vyas, for Respondent Nos. 2 and 3.

2. By way of Special Civil Application No. 2736 of 2025, the petitioner has prayed for the following reliefs;

“6. ...

A. This Honourable Court be pleased to issue a writ of mandamus or in the nature of mandamus or any other writ that the Honourable Court deems fit, to quash and set aside the termination order dated 10/09/2024 (Annexure-H) and direct the respondent to reinstate the petitioner to the post of

Registrar forthwith.

B. To grant all consequential benefits, including arrears of salary, increments, allowances and other service benefits, as if the termination order was never passed.

C. To direct the respondent to grant the petitioner actual Pay Level 14 from the date of appointment, i.e. 11/09/2023, along with arrears and all attendant benefits.

D. To stay the recruitment process for the post of Registrar at Rashtriya Raksha University, initiated pursuant to the advertisement dated 18/09/2024 (Annexure J), during the pendency of the present petition.

E. Pass any other and further reliefs as may be deemed just, fit and proper in the interest of justice.”

2.1 The reliefs prayed for, in the main matter, would indicate that the main matter is filed, challenging the order of termination and reinstatement of the petitioner in service along with all consequential benefits, arrears etc., as prayed for in the main matter. What is noteworthy in the main matter is that the interim relief, whereby, the petitioner has prayed for stay of the recruitment process, pursuant to the advertisement dated 18.09.2024, against the same, the petition was filed only in February, 2025.

2.2 By way of Civil Application (For Stay) No. 1 of 2026, following reliefs are prayed;

“10. ...

A. This Honourable Court may be pleased to stay the operation, implementation and further proceedings of the recruitment process for the post of Registrar Rashtriya Raksh University, initiated pursuant to the advertisement dated 13.03.2026 (Annexure AA1), pending the final disposal of the main captioned petition.

B. Pass any other and further reliefs as may be deemed just, fit and proper in the interest of justice.”

2.3 Looking to the nature of the reliefs prayed for in the civil application, it can be seen that the petitioner wants stay of the recruitment process, as the petitioner services are terminated and he has prayed for reinstatement in the main matter.

3. Learned Sr. Advocate, Mr. Joshi, appearing with learned Advocate, Mr. Sharma, for the petitioner submitted that the petitioner, who was terminated from the post of Registrar in Respondent No.2-University, was working on a single post. According to learned Sr. Advocate, Mr. Joshi, if,

the recruitment process is not stayed, it will create equity in favour of the newly appointed person. It was, further, submitted that the appointment of the petitioner was treated as on probation, which is not the case and therefore, with a view to avoid multiplicity of the litigation, the recruitment process initiated by the Respondent No.2-University is required to be stayed.

3.1 Learned Sr. Advocate, Mr. Joshi, also submitted that, though, the petition is of the year 2025, Respondent No.2-University has not filed any reply, till date.

4. Learned Advocate, Mr. Vyas, appearing for Respondent Nos. 2 and 3 submitted that the submissions made by learned Sr. Advocate, Mr. Joshi, are based only on apprehension and not on the basis of reality. It was submitted that without there being any stand coming forward on the record, by way of an affidavit, the submissions, made on behalf of the applicant-petitioner, are made only on the basis of presumptions.

4.1 Learned Advocate, Mr. Vyas, submitted that in case, if, the petitioner succeeds, in that case, subject to the right of the Respondents to challenge such order, it is for the Respondents to comply with the order of the Hon'ble Court and therefore, at this stage, it would be too premature for the petitioner to show any anxiety or worry about, as to how

the order of the Court will be complied with, if, the petitioner succeeds, considering the fact that the post in question is a single post.

4.2 It was, further, submitted that as the petitioner's services are put an end to, it would be difficult for Respondent No.2-University to function properly, without there being any Registrar and therefore, in good faith, the advertisement in question was published. Since, the recruitment process may take some time, learned Advocate, Mr. Vyas, submitted that this Court may take-up the main matter, itself, for hearing, as early as possible.

5. Heard. Considering the submissions made by the learned Advocates for the parties, herein above, so also the fact that the services of the petitioner are already terminated and the main matter, i.e. Special Civil Application No. 2736 of 2025 is filed by the petitioner, challenging the order of termination and seeking reinstatement in service, at this juncture, when the petitioner has not even succeeded in getting reinstatement, it would not be in the fitness of the things to stay the recruitment process. Since, learned Advocate, Mr. Vyas, appearing for Respondent Nos. 2 and 3 is ready and willing to proceed with the main matter, itself, so as to avoid any complication and multiplicity of the litigation, learned Advocate, Mr. Vyas, is directed to file reply in the main

matter on, or before, **30.04.2026**. Rejoinder, if any, be filed on, or before, **08.05.2026**.

5.1 Registry is directed to list the main matter, i.e. Special Civil Application No. 2736 of 2025, for hearing on **16th June, 2026**. as learned Advocate, Mr. Vyas, has shown willingness to proceed with the main matter, whereas, learned Sr. Advocate, Mr. Joshi, has submitted that he is ready to proceed with the matter, even without there being any reply, because, though, the notice was issued in the main matter on 06.03.2025, Respondent No.2-University has not filed reply, till date.

5.2 Civil Application (For Stay) No. 1 of 2026 stands **disposed of**, accordingly.

UMESH/-

(NIRZAR S. DESAI,J)