

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3454 of 2026

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DAMOR MANJULABEN ARJUNBHAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

DHWANI Y CHANDARANA(8383) for the Petitioner(s) No. 1

MR HENIL SHAH ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,2

NIYATI V VAISHNAV(6168) for the Respondent(s) No. 3

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 23/04/2026

ORAL ORDER

1. Heard learned advocate Ms. Dhvani Chandarana appearing for the petitioner, learned Assistant Government Pleader Mr. Henil Shah, and learned advocate Ms. Niyati Vaishnav appearing for the respondent State and ICDB, Mahisagar, respectively.

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

“A. Be pleased to admit this petition;

B. Be pleased to issue appropriate writ, order and direction to the respondent authority to consider the case of the petitioner for giving her appointment as mukhyasevika as she is already selected for the said post and give her all the benefits of regularization.

C. Be pleased direct respondent no.3 to consider her case and give her appointment for the said post of Mukhyasevika on provisional basis until the final result of scrutiny committee comes out;

D. By way of interim order be pleased to direct the respondent no.2 authority to finalize the scrutiny of the case of the petitioner within 2 weeks as enough have passed and petitioner is deprived of her legitimate right of promotion and regularization due to lethargic approach of the authorities.

E. Your lordship may be pleased to grant such orders as thought fit in interest of justice."

3. It is the case of the petitioner that she was appointed as Karyakar in the respondent No. 3 organization vide order dated 29.07.2006 and thereafter, she was selected for the post of Mukhya Sevika vide order dated 04.04/05.2024, subject to verification of her caste certificate. On account of insufficiency of certain documents before the Scrutiny Committee,

the caste certificate produced by the petitioner could not be verified. On account of one reason or another, though the petitioner has submitted the documents for caste verification, the Scrutiny Committee has not reached a final conclusion regarding the caste of the petitioner and the validity of the caste certificate. Hence, though by way of this petition the petitioner is seeking regular appointment to the post of Mukhya Sevika, by way of ad-interim relief she has prayed for provisional appointment to the said post.

4. The petitioner has, today, filed an undertaking which reads as under:

"I, Damor Manjulaben Arjunbhai, Gender Female, Aged 44 years, having current address at Vena, Santrampur, Mahisagar. The applicant herein, does hereby solemnly affirmed and state on oath as under:

1. I say that I am the petitioner in the accompanying petition and I am well acquainted with the facts of the case and hence competent to file this undertaking. I say that I appointed as Karyakar vide order dated 29.07.2006. I say that I have been selected for the post of Mukhya Sevika vide office order dated

04.04/05.2024, subject to verification of my caste certificate by the competent Scrutiny Committee. However, I have not been granted the appointment order, and upon inquiry, I was informed that the same would not be issued until the caste certificate is verified by the Scrutiny Committee.

2. I hereby undertake that I am ready and willing to accept appointment on the post of Mukhya Sevika on a provisional basis, pending final verification of my caste certificate. I further undertake that in the event the Scrutiny Committee holds my caste certificate to be invalid I shall not object being placed back to the original post of Karyakar.

3. I state that in the event the caste certificate is verified and found valid, I shall be entitled to confirmation on the said post in accordance with law.

4. This undertaking is given voluntarily for the purpose of enabling the respondent authorities and/or this Hon'ble Court to consider my case for provisional appointment."

5. In view of the above undertaking as well as the affidavit-in-reply filed by respondent No. 3, wherein in paragraph No. 10 it is specifically stated that in case a negative report is received by the authority regarding the caste certificate of the petitioner, she will be

removed from the promotional post and sent back to the original post of Anganwadi Karyakar, and as per the undertaking given by the petitioner, she does not have any objection to the same.

6. In view of the above, the respondent and more particularly respondent No. 3 is directed to issue a provisional appointment order to the present petitioner pending the petition. Hence, issue **NOTICE returnable on 17.09.2026**. Learned Assistant Government Pleader Mr. Henil Shah waives service of notice on behalf of respondent Nos. 1 and 2. Learned advocate Ms. Niyati Vaishnav waives service of notice on behalf of respondent No. 3.

7. In the meantime, in view of the undertaking given by the present petitioner, the respondents are directed to issue a provisional appointment letter to the present petitioner during the pendency of this petition till further orders.

(NIRZAR S. DESAI, J)