

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3414 of 2026**

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MEHUL GANAPATBHAI VAGHELA & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MS KRISHA M BHIMANI(12795) for the Petitioner(s) No. 1,2
PARTH PATEL AGP for the Respondent(s) No. 1
MR PREMAL R JOSHI(1327) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 13/04/2026

ORAL ORDER

1. Heard learned Senior Advocate Ms. Mega Jani with Learned Advocate Ms. Krisha Bhimani for the petitioners; Learned AGP Mr. Parth Patel for the respondent State; and Learned Advocate Mr. Premal Joshi for GPSC.

2. The issue involved in the present petition pertains to an advertisement published by GPSC for the post of Junior Town Planner, Class-II, dated 13.12.2025. The educational qualifications prescribed in the said advertisement are as under:

- (i) a Bachelor's degree of Architecture or Civil Engineering/ Technology or Planning obtained from any of the Universities established or incorporated by or under the Central or a State Act in India; or any other educational institution recognised as such or declared to be deemed as a University under section 3 of the

University Grants Commission Act, 1956; or any other equivalent qualification recognised as such by the Architects Act, 1972 and

(ii) A post-graduate degree or post-graduate diploma in City Planning/Town Planning /Regional Planning / Traffic and Transportation Planning / Urban Design / Urban Planning / Infrastructure Planning / Industrial Planning or Environmental Planning obtained from any of the Universities established or incorporated by or under the Central or a State Act in India; or any other educational institution recognised as such or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956 or institution approved by All India Council for Technical Education.

3. It is the case of the petitioners, as canvassed by Learned Senior Advocate Ms. Jani, that the petitioners possess a degree of Master of Technology in Infrastructure Engineering and Technology, which, according to them, is equivalent to the qualification prescribed by GPSC, namely a Post-Graduate degree in Infrastructure Planning.

4. The petition is opposed by the learned advocates appearing for the State Government as well as GPSC.

5. After hearing the parties, Learned Senior Advocate appearing

for the petitioners, as well as the learned advocates appearing for the State, namely Learned AGP Mr. Parth Patel, and Learned Advocate Mr. Premal Joshi for GPSC, upon instructions from their respective clients, submitted that in order to determine whether the degree possessed by the petitioners and the qualification prescribed in the advertisement can be considered equivalent, the matter may be referred to a panel of experts consisting of three members. Accordingly, this Court orally requested the learned counsel for the petitioners, the learned AGP, and the learned advocate for GPSC to suggest names of experts for constituting such a panel. It was further suggested that a panel of three experts would be constituted by the Court to determine the issue of equivalence between the two courses in question.

6. Accordingly, today the State Government, through the Additional Chief Town Planner, Town Planning and Valuation Department, Gujarat State, Gandhinagar, has communicated to Learned AGP Mr. Parth Patel and requested inclusion of the following experts in the Expert Committee:

(I) Professor Dr. Sanjay Gupta, Head of Department, Faculty of Town Transport Planning, School of Planning and Architecture, New Delhi;

(ii) Shivanand Swami, Professor Emeritus, Center of Excellence for Urban Transport at CEPT Research and Development Foundation (CRDF), CEPT University, Ahmedabad.

7. Learned Senior Advocate Ms. Jani has disclosed that a close relative is associated with CEPT University. However, since the name has been recommended by the State Government itself, Learned AGP Mr. Parth Patel has expressly stated that the State has no objection in this regard.

7.1. Similarly, Learned Senior Advocate Ms. Jani, upon disclosing that she has represented SVNIT in various matters, raised a concern as to whether it would be appropriate to appoint an expert from the said institution. In this regard, this Court observed that representation of an organization by a counsel in a professional capacity stands on a different footing from seeking academic assistance from an expert associated with such institution. Upon such disclosure, which was not opposed by Learned AGP Mr. Parth Patel, Learned Advocate Mr. Premal Joshi for GPSC, or Learned Advocate for Gujarat Technological University, the name of Professor Dr. Shriniwas S. Arkatkar was suggested by SVNIT through a communication addressed by its Registrar to Learned Advocate Ms. Krisha

Bhimani. Accordingly, this Court deems it appropriate to constitute a panel of three experts, namely:

(i) Professor Dr. Sanjay Gupta, Head of Department, Faculty of Town and Transport Planning, School of Planning and Architecture, New Delhi;

(ii) Shivanand Swami, Professor Emeritus, Centre of Excellence for Urban Transport, CEPT Research and Development Foundation (CRDF), CEPT University, Ahmedabad; and

(iii) Professor Dr. Shriniwas S. Arkatkar, Sardar Vallabhbhai Institute of Technology (SVNIT), surat.

7.2. The aforesaid experts are requested to examine and determine whether the qualification prescribed by GPSC and the qualification possessed by the petitioners can be considered equivalent, and whether the petitioners satisfy the eligibility criteria prescribed in the advertisement in question. The experts are at liberty to seek any material required for such determination from GPSC and the petitioners and shall preferably submit their opinion within a period of seven days from the date of receipt of this order. The State Government is directed to facilitate communication of any requirement of the

Committee through Learned AGP Mr. Parth Patel, who shall, in turn, communicate the same to Learned Advocate Ms. Krisha Bhimani for the petitioners.

8. The experts, upon receipt of such material as they may deem appropriate, shall examine the issue and are requested to submit their joint report of committee preferably within a period of 10 days after their requirements for determining the equivalence are fulfilled by the respective parties.

9. In the event the experts' report is ready, the same shall be placed before this Court in a sealed cover on 04.05.2026.

10. The State Government is directed to pay an honorarium of Rs.10,000/- (Rupees Ten Thousand only) to each of the experts as a token of recognition and appreciation for the time devoted by them pursuant to the request of this Court. The State Government is further directed to bear the transportation expenses of the messenger who submits the report of the Expert Committee in a sealed cover before this Court on the next date of hearing, and to pay an additional amount of Rs.2,500/- to the said messenger.

S.O to 04.05.2026

BHAVIN MEHTA

(NIRZAR S. DESAI,J)