

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6208 of 2022**

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BHARATBHAI PALABHAI PARMAR(DECEASED) & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
 DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
 for the Petitioner(s) No. 1
 MS.DILBUR CONTRACTOR(6388) for the Petitioner(s) No. 1.1,1.2,1.3,1.4
 MS KINJAL VYAS AGP for the Respondent(s) No. 1
 NOTICE SERVED BY DS for the Respondent(s) No. 2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 16/02/2026

ORAL ORDER

1. Heard learned advocate Ms. Dilbur Contractor for the petitioners and learned AGP for the respondent No.1 – State.

2. Considering the submissions made by learned advocate Ms. Contractor and having perused the documents on record, it would prima facie appear to this Court that the petitioners have worked for 10 years or more in the respondent No.5 institution, appointed at the behest of respondent No.3 and whereas the petitioners had completed around 10 years on ad-hoc basis with the institution.

3. It is the case of the petitioners that since their services were terminated on account of the petitioners being rendered surplus as the student teacher ratio was not maintained and though at the relevant point of time, the petitioners had approached this Court and whereas the petition had not been entertained on the ground that the petitioners' services would be availed of in case there is increase in number of students. It appears that while the petitioners could not be reinstated in service, now the petitioners having reached / about to reach the age of superannuation, the petitioners are seeking that the period of service which the petitioners had worked on ad-hoc with the respondents, be considered for the purpose of grant of pensionary benefits. The petitioners also rely upon the judgment passed by the learned Coordinate Bench dated 15.03.2018 of Special Civil Application No.5065 of 2020.

4. Considering such a situation, the State shall look into the issue, more particularly from the perspective of Rule 25 and Rules 37 and 38 of the Gujarat Civil Services (Pension) Rules, 2002 i.e. with regard to qualifying services and with regard to qualifying service of 10 years being required for the purpose of considering the case of the employee for pension, an appropriate decision as regards the entitlement and disbursement of pension shall be taken by the respondents,

within a period of four weeks form the date of receipt of this order.

List on 23.03.2026 for reporting compliance.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)