

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 6608 of 2022

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ADESH RANBIRSINGH PAL
Versus
STATE OF GUJARAT

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Appearance:

MR BHARAT T RAO(697) for the Petitioner(s) No. 1
for the Respondent(s) No. 2,3

MR ROHAN N SHAH, AGP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 05/04/2022

ORAL ORDER

1. Heard learned advocate Mr.Rao for the petitioner. It is submitted that the petitioner is working as HOD, English Department, in The Hemchandracharya North Gujarat University. It is further submitted that the respondent no.3 was appointed as Assistant Professor (Lecturer) in the respondent no.2-University in the Department of English. Thereafter, she applied for the post of Professor in the Department of English pursuant to the advertisement for recruitment to the post of Professor. The respondent no.3 joined as Professor on 29.8.2017. She was appointed on probation for a period of two years. It is further submitted that since the confidential report of the respondent no.3 was not satisfactory, the Executive Council of the University, in its meeting dated 7.3.2020, passed resolution no.22 and services of the respondent no.3 were terminated with effect from 7.3.2020. It is submitted that the respondent no.3 challenged the said order of termination by filing Special Civil Application No.6737 of 2020 before this Court. It is submitted that this Court, vide order dated 3.11.2020, dismissed the petition filed by the

respondent no.3, against which the respondent no.3 has preferred Letters Patent Appeal No.900 of 2020 before the Division Bench of this Court. The Division Bench of this Court has admitted the Letters Patent Appeal, however, interim relief is not granted in favour of respondent no.3.

2. At this stage, it is submitted that the respondent no.3, thereafter, made representation before the respondent no.1-government and now the respondent no.1-government has passed order dated 22.3.2022 and thereby respondent no.3 is reinstated with effect from 7.3.2020 on the post of Professor. Learned advocate submitted that the state is not empowered to pass the impugned order under The Hemachandracharya North Gujarat University Act, 1986. At this stage, learned advocate Mr.Rao has referred the averment made in paragraph 33 of the petition and contended that the petitioner is person aggrieved and therefore the petitioner has locus to challenge the order as to the reinstatement of respondent no.3. It is also fairly pointed out that respondent no.3 has resumed the duties on 25.3.2022. However, the petitioner is apprehending now that the respondent no.3 will claim the post of HOD in the Department of English. It is submitted that once this Court, after considering the submissions canvassed by learned advocate for the respondent no.3, has dismissed the petition, it is not open for the respondent no.1-state to pass the impugned order.

3. In view of the aforesaid submissions, issue urgent Notice and Notice as to interim relief to the respondents returnable on 8.4.2022. Direct service today is permitted.

(VIPUL M. PANCHOLI, J)

SRILATHA