

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO.6454 of 2026**

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DEEPABEN KANAIYALAL ACHARYA

Versus

STATE OF GUJARAT THROUGH SECRETARY & ORS.

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Appearance :

MR SP MAJMUDAR WITH MS KRISHNA S SHAH for the Petitioner.

MR AAKASH GUPTA, AGP for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 07/05/2026

ORAL ORDER

1. Learned advocate Mr. S. P. Majmudar states that the petitioner made an application pursuant to the advertisement for promotion to the post of Extension Officer disclosing all the correct facts in the year 2018 and the said application was scrutinized and processed by the respondents and thereafter, the petitioner was promoted. He further submitted that now after 8 years after the promotion was granted, by way of show-cause notice dated 9.11.2024 as well as subsequent show-cause notice dated 10.3.2026, the petitioner is asked to show-cause as to why despite the fact that the petitioner was not eligible to appear in the exam for promotion, the petitioner appeared in the exam and ultimately availed the benefit of promotion and, therefore, disciplinary proceedings should not be initiated against the petitioner. Mr. Majmudar further submitted that the respondents themselves have scrutinized the forms of the petitioner and at the stage of scrutiny itself, they could have excluded the petitioner from the zone of consideration for promotion. Mr. Majmudar further submitted that even otherwise also, the petitioner is eligible for promotion and,

therefore, the show-cause notices issued after 8 years from the date of promoting the petitioner is absolutely baseless and without any jurisdiction.

2. Mr. Aakash Gupta, learned Assistant Government Pleader appearing for respondent No.1 points out that the impugned show-cause notices are issued by the District Development Officer and, therefore, this Court may without granting any relief, simply issue notice.

3. However, learned advocate Mr. Majmudar states that the petitioner is apprehending some action pursuant to the impugned show-cause notices dated 9.11.2024 and 10.3.2026 and, therefore, the same may be stayed.

4. Considering the above submission, issue **notice returnable on 24.09.2026**. Learned Assistant Government Pleader waives service of notice on behalf of respondents No.1. Direct service for remaining respondents is permitted.

In the meantime, there shall be ad-interim relief in terms of paragraph 59 (E).

(NIRZAR S. DESAI,J)

SAVARIYA