

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8291 of 2025**

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GHANSHYAMDAN NARHARDAN GADHAVI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MS PARCHI UPAHDYAY FOR MR VAIBHAV A VYAS(2896) for the Petitioner(s)
No. 1

MR ADITYA PATHAK ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1

MR PARICHAY N ASHAR(13304) for MR. DINESH N TRIVEDI(6256) for the
Respondent(s) No. 2,3

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/06/2025

ORAL ORDER

1. Heard learned Advocate Ms. Prachi Upadhyay for learned Advocate Mr. Vaibhav Vyas on behalf of the petitioner, learned Assistant Government Pleader Mr. Aditya Pathak on behalf of respondent- State and learned Advocate Mr. Parichay Ashar for learned Advocate Mr. Dinesh Trivedi on behalf of respondents no. 2 and 3.

2. By way of this petition the petitioner has challenged charge-sheet issued to the petitioner more particularly alleging that the appointment given to the petitioner to the post of Multipurpose Health Worker based on the certificate of qualification acquired by the petitioner, was not in order and whereas the charge-sheet inter alia seeks to have a departmental inquiry conducted more particularly for imposing any penalty lifted in Rule 6 of the Gujarat Panchayat Services (Discipline and Appeal) Rules, 1997.

3. Learned Advocate Ms. Upadhyay would draw the attention of this Court to an order passed by the Hon'ble Division Bench of this Court in Letters Patent Appeal No. 651 of 2024 more particularly whereby the Hon'ble Division Bench has protected the original petitioner, who is according to the learned Advocate identically situated to the petitioner in this case, the similarity being claimed inter alia on the basis that even the charge-sheet issued to the petitioner therein was of similar date as the charge-sheet issued to the petitioner in the writ petition.

4. It is submitted by learned Advocate Ms. Upadhyay that the charge-sheet, had been challenged before this Court and whereas a learned Coordinate Bench vide an order dated 25.04.2024 had rejected the writ petition and whereas the petitioner therein had approached Division Bench of this Court and whereas the Division Bench vide the order referred to hereinabove had partly allowed the Letters Patent Appeal. Attention of this Court is pertinently drawn to observation at paragraph no. 4 whereby the Hon'ble Division Bench has inter alia directed that till the petitioners have been working since the year 2017, in case at the end of the inquiry any adverse order is passed against the petitioner i.e an order of punishment the same shall not be implemented for a period of two weeks for enabling the petitioner to assail the same before appropriate forum.

5. Learned Advocate Mr. Ashar as well as learned AGP Mr. Pathak, to a pointed query of this Court, could not show that the petitioner herein is not similarly /identically situated to the original petitioner before the Hon'ble Division Bench.

6. Considering such a position more particularly since an Hon'ble Division Bench had already passed an order which is binding upon this Court, the same protection as accorded to the original petitioner in the Letters Patent Appeal is required to be granted to the petitioner.

7. Hence in the considered opinion of this Court, following direction would meet with the ends of justice:

[1] The respondents, upon completion of the inquiry initiated vide charge-sheet dated 26.12.2023, shall not implement the final order of punishment, if at all the same is required to be issued, for a period of two weeks from the date the same is served upon the original petitioner.

8. With the above observation and direction the petition stands disposed of as allowed.

9. It is clarified that this Court has not opined whatsoever on the merits of the departmental proceedings.

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/06/2025 11:15:44