

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8530 of 2024****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 8530 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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HEMANTBHAI NACHCHHABHAI PATEL**Versus****STATE OF GUJARAT & ORS.****Appearance:****MR BHARAT T RAO(697) for the Petitioner(s) No. 1****MR NIKUNJ KANARA AGP for the Respondent(s) No. 1****NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3,5****MR P.K. JANI SENIOR ADVOCATE WITH SHIVANG P JANI(8285) for the
Respondent(s) No. 4****CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 04/05/2026****JUDGMENT**

1. RULE returnable forthwith. Mr. Nikunj Kanara, learned AGP waives service of notice of rule on behalf of the respondent no.1 and Mr. Jani, learned counsel waives service of notice of rule on behalf of the respondent no.4.

2. With the consent of the learned counsel for the respective parties, the present petition is taken up for final hearing today.

3. Present petition is filed by the petitioner under Articles 14,

19 and 226 of the Constitution of India read with the provisions of the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963 and Rules framed thereunder seeking following reliefs:

“(a) To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, quashing and setting aside the recruitment process undertaken by respondent no.4 by advertisement dated 16.3.2024 (Annexure-F) published by respondent no.4 in Loksatta-Jansatta Ahmedabad edition for recruitment of 8 clerks and 4 auction clerks because the establishment expenditure of APMC, Idar is more than 40% of its income and they cannot recruit any further staff and further the entire recruitment is not transparent and shabby and advertisement is given only in a newspaper which is having no circulation whatsoever in Sabarkantha District and particularly Idar Taluka and without calling for names from Employment Exchange and only 25 persons have submitted applications which establishes that the entire recruitment process is nothing but a show on paper to appoint kith and keen of Board of Directors and Secretary of APMC, Idar.

(b) Pending admission, hearing and final disposal of the above Special Civil Application, to restrain the respondent no.4 from appointing any person pursuant to the recruitment process initiated vide advertisement dated 16.3.2024 (Annexure-F) published by respondent no.4 in Loksatta-Jansatta Ahmedabad edition for recruitment of 8 clerks and 4 auction clerks.

(c) To grant ad-interim relief in terms of Para-34(b) hereinabove.

(d) The Hon'ble Court may kindly be pleased to grant any other appropriate relief as the nature circumstances of the case may require.

(e) To award the cost of this petition.”

4. Heard Mr. Bharat Rao, learned counsel for the petitioner

and Mr. Nikunj Kanara, learned AGP for respondent no. 1 and Mr. P.K. Jani, learned Senior Advocate with Mr. Shivang P Jani, learned counsel for respondent no.4.

5. Mr. Bharat Rao, learned counsel for the petitioner has submitted that the recruitment process conducted by respondent no.4 is not in accordance with the settled principles of law and as per the statute more particularly, Rule 41(A) of the Act. He has submitted that there is severe violation of the statutory provisions as provided under the Act and that there is mismanagement by the Agricultural Produce Market Committee (APMC), Idar while appointing the persons listed at page 11. He has submitted that all the 12 persons are either the relatives of the Director or the relatives of the Chairman and this fact was not denied by the respondents. He has further submitted that the petitioner is a voter of the preliminary cooperative society i.e. Shree Jadar Seva Sahakari Mandali Ltd. and he is also a voter of main society i.e. the present respondent no.4 and therefore, the petitioner has raised his personal grievance against the mismanagement of the APMC, Idar. Over and above the grounds agitated in the memo of petition, learned counsel Mr. Rao has urged that the present petition is required to be allowed.

6. Mr. PK Jani, learned Senior Counsel has denied the contentions raised in the petition and has contended that the petitioner is not a member of the society nor holding any license as a trader and is not elected as a member of the Market Committee and therefore, the petitioner being a member of the Shree Jadar Seva Sahakari Mandali Ltd., who is one of the voters of the main society i.e. Agricultural Produce Market Committee,

Idar and therefore, the petitioner is not entitled to seek the relief which he prayed for by way of filing writ of mandamus. He has further contended that since there was a personal grievance of the brother of the present petitioner who was working with respondent no. 4 relating to promotion not being given to him by respondent no.4 and therefore, at the behest of his brother the petitioner has filed this petition. He has submitted that the respondent no.4 has already complied with all the necessary provisions and no violation has been committed in the recruitment process and hence, the present petition deserves to be dismissed.

6.1 Mr. Nikunj Kanara, learned AGP has submitted that the process of the recruitment has been cancelled by the respondent no.2 -Director.

7. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. It appears that the petitioner has challenged the recruitment process undertaken by respondent no.4 by advertisement dated 16.03.2024 published by respondent no.4 in Loksatta-Jansatta Ahmedabad edition for recruitment of 8 clerks and 4 auction clerks. It is stated and submitted that the recruitment process has been cancelled by the respondent no.2 - Director. It appears that the grievance raised in the present petition is already decided as the recruitment process has been cancelled by the respondent no.2 - Director and hence, the present petition no longer survives. Therefore, the present petition deserves to be dismissed.

8. In the result, the present petition is dismissed. Rule is discharged. There shall be no order as to costs.

9. In view of the order passed in this petition, the Civil Application No.1 of 2025 is disposed of accordingly.

ANUSRI

(HEMANT M. PRACHCHAK,J)