

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1139 of 2009**

With
CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2018
In R/SPECIAL CIVIL APPLICATION NO. 1139 of 2009

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KISHOR R BALDANIYA(DECEASED) & ORS.

Versus

GUJARAT AYURVEDA UNIVERISTY & ORS.

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Appearance:

DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
for the Petitioner(s) No. 1

MR VIJAY H NANGESH(3981) for the Petitioner(s) No. 1.1,1.2,1.3,1.4

MR RC KAKKAD(389) for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 20/11/2025

ORAL ORDER

[1] Heard learned advocate Mr. Vijay H. Nangesh for the petitioners and learned advocate Mr. R.C.Kakkad for the respondents.

[2] At the outset, learned advocate Mr. Kakkad points out that when the original petitioner died during the pendency of the matter, when considering the prayers sought in the present writ petition, matter becomes infructuous and issue germane in the matter is also academic, thereby, this Court may not entertain the present petition.

[3] *Per contra*, learned advocate Mr. Nangesh appearing for the original petitioner would submit that petitioner, by way of

this petition, challenged the legality and validity of the process of appointment and the norms which ought to have been observed and followed by the respondent - authority, having not observed, thereby, petitioner was deprived to get selected on the post of Reader.

[3.1] According to learned advocate Mr. Nangesh, this matter needs to be decided by this Court on its own merits.

[4] Learned advocate Mr. Kakkad, drew attention of this Court to the reply filed by respondents, more precisely para-3.4, wherein it has been clearly stated that to get appointment on the post of Reader, candidate must be possessing Ph.D. which undisputedly, petitioner did not possess and thus, he was not selected.

[5] After appreciating the aforesaid submissions and having noticed the prayers which are made in this petition, petitioner was questioning the selection process initiated by the respondents. Since this Court could have gone into the legality and the validity of the process subject to petitioner survives, as now, merely accepting the prayer of the petitioner would not serve any purpose, inasmuch as, petitioner being beneficiary of this petition is no longer survived.

[6] According to my view, other questions which are raised in this petition, are now become academic and this Court would not invest its time to decide such academic issues. Thus, it is

kept open to be decided in appropriate matter as and when occasion arises.

[7] Before parting, it is also required to be noted here that while admitting this petition by this Court vide its order dated 16.03.2010, following order has been passed:

“Rule. To be heard with Special Civil Application No.21857 of 2007. It is made clear that the appointments which are made shall be subject to the result of this petition.”

[8] Another writ petition being Special Civil Application No.21857 of 2007, which was to be heard with this petition, appears to have been dismissed for default by this Court vide its order dated 21.08.2013, wherein following order has been passed:

“Though duly served, the petitioner has not entered his appearance either in person or through duly instructed advocate. Hence, the petition stands dismissed for default. Rule is discharged.”

[9] Thus, in view of the aforesaid facts and circumstances and considering the fact that original petitioner died during the pendency of this petition, prayers which are made in this petition would not survive, inasmuch as, issues raised are academic in nature, as observed above, this Court would not like to examine.

[10] Thus, in view of the aforesaid, the present petition is disposed of, having questions left open as aforesaid. Rule is

discharged. No order as to costs.

[11] In view of the disposal of the main matter, the connected Civil Application does not survive and accordingly, it is also disposed of.

(MAULIK J.SHELAT,J)

Lalji Desai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: LALJI DESAI(HC01558), PRIVATE SECRETARY, at High Court of Gujarat on 20/11/2025 17:54:49