

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10085 of 2008**

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NAIABEN BHIKHUBHAI NAIK

Versus

DISTRICT EDUCATION OFFICER & ORS.

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Appearance:

MR DAKSHESH MEHTA(2430) for the Petitioner(s) No. 1

MR. RUSHANG D MEHTA(6989) for the Petitioner(s) No. 1

MS. FORUM SUKHADWALA, ASST. GOVERNMENT PLEADER for
the Respondent(s) No. 3

MR VH DESAI(298) for the Respondent(s) No. 2

RULE SERVED BY DS for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 14/11/2025****ORAL ORDER**

1. Heard learned advocate Mr. Rushang D. Mehta for the petitioner, learned advocate Mr. Nilay Thaker for learned advocate Mr. V.H.Desai for respondent No.2 and learned Asst. Government Pleader Ms. Forum Sukhadwala for respondent Nos.1 and 3.

2. Pursuant to last order passed by this Court on 12.11.2025, learned advocate Mr. Mehta, under the instructions of his client, would state that despite the communication order dated 27.11.2024 passed by the Dy. Secretary, Education Department in the case of petitioner for

retirement benefits like provident fund, gratuity and pension, are released, as such, the present petition is confined with a singular prayer whereby, petitioner prays that respondents – authorities be directed to issue an entitlement certificate for voluntary retirement service in favour fo the petitioner.

3. *Prima facie*, after going through the communication order dated 27.11.2024, as aforesaid, in principle approval granted by the Competent Authority in regards to granting benefits of voluntary retirement service to petitioner, albeit with a rider that she will have to forgo the interest as well as to withdraw the present petition.

4. Now, in view of the aforesaid, when grievance of petitioner is more or less settled down by the respondent – authority, under the instructions of his client, Mr. Mehta does not invite further reasons in the matter.

5. Nonetheless, learned advocate Mr. Mehta would request this Court that while disposing this matter, respondents – authorities may be directed to release the aforesaid retirement benefits to petitioner within a stipulated time.

6. At this stage, learned Asst. Government Pleader Ms.

Forum Sukhadwala would state that once present petition gets disposed of, concerned Authority will take appropriate steps to see that petitioner will get all retirement benefits, as available to her. She also states that one Mr. Narendra Thakre, Education Inspector serving in District Education Office, Navsari is present before this Court and he will take note of the direction/s which may be issued by this Court for its implementation.

7. Accordingly, I pass the following order;

- I. The respondents - Authorities are hereby directed to calculate and pay / release all retirement benefits of petitioner i.e. provident fund, gratuity, pension etc., as per the service rules, in accordance with law.
- II. Such payment be made to the petitioner within a period one month from the date of receipt of copy of this order.
- III. If on receipt of aforesaid retirement dues, any grievance survives by petitioner, it is always open for the petitioner to request the Authority concerned to review its decision and in case of difficulty, approach the appropriate Authority / Court for further relief/s, if any.

8. In view of the aforesaid and considering the aforesaid communication order dated 27.11.2024 issued by the Competent Authority of State, present writ petition is disposed of. Rule is discharged. Ad-interim relief / interim relief stands vacated.

Direct service is permitted.

(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 14/11/2025 16:16:07