

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11185 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11543 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11962 of 2021**

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PALAK RAMESHBHAI PATEL & ORS.

Versus

BARODA MUNICIPAL CORPORATION
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Appearance:

MR TR MISHRA(483) for the Petitioner(s) No. 1,2,3,4,5,6,7

ANSHUL N SHAH(8540) for the Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 23/03/2026****ORAL ORDER****[1]** Heard the learned advocates for the respective parties.

[2] Pursuant to the last order passed by this Court on 17.03.2026, Mr. Anshul N. Shah, learned advocate for the respondent - Corporation would submit that, as per the reservation policy prevailing at the relevant point of time, while preparing the merit-list, 10% mark was deducted from the general male candidates to consider it as a cut-off mark for female candidates. Accordingly, when Corporation has prepared the merit-list of female candidates, none of the petitioners are having more marks than cut-off.

[3] It is also pointed out to this Court that as per condition No.14 of the original advertisement, it has been specifically mentioned that in a case where no eligible female candidates will be available, their

reserved posts will be filled by male candidates. Furthermore, it has been brought to the notice of this Court that such reservation policy as regards female reservation is concerned, it has been struck down by the Division Bench of this Court in a case of **Gujarat Public Service Commission versus Niketa Babulal Chaudhari & Ors.**, rendered in Letters Patent Appeal No.1105 of 2015 **[2021 (2) GLH 751]**, but the same is challenged before the Hon'ble Apex Court and matter is at large before the Hon'ble Apex Court.

[4] Having considered the submissions made by the learned advocate for the respondent - Corporation, *prima facie*, it appears that none of the petitioners have secured more than cut-off marks fixed. At the same time, to arrive at a cut-off mark, the method and manner in which it has been arrived at is already criticized and struck down by the Division Bench of this Court. Nonetheless, the matter is pending before the Hon'ble Apex Court wherein there is no stay granted for its execution, implementation and operation of the order except protected the service of the persons who are already appointed and working on respective posts.

[5] Considering the aforesaid facts and circumstances of the case, at this stage, without further going deep into the matter, it is hereby directed to the respondent - Corporation to revisit the cut-off mark fixed by it, after keeping in mind the ratio laid down by the Division Bench of this Court in a case of **Niketa Babulal Chaudhari & Ors (supra)**.

[6] Let such exercise to be undertaken by the respondent - Corporation on or before 10th April, 2026 and confirmed to this Court as to whether after preparation of the fresh merit-list, any of the

petitioners are secured more than cut-off marks or not.

S.O. to **16th April, 2026.**

Lalji Desai

(MAULIK J.SHELAT,J)