

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 11009 of 2010

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RAVESINH OGHADBHAI BARAD....Petitioner(s)

Versus

STATE OF GUJARAT & 5....Respondent(s)

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Appearance:

MR PS CHAMPANERI, ADVOCATE for Petitioner(s) No. 1

MR CHINTAN DAVE, AGP for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 1 - 5

VIRAL K SHAH, ADVOCATE for the Respondent(s) No. 6

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CORAM: HONOURABLE MR.JUSTICE A.S. SUPEHIA

Date : 09/01/2018

ORAL ORDER

(1) Learned advocate Mr.Champaneri for the petitioner has pointed out the certificate (Annexure-C to the petition) issued by the Principal, Shree Sardar Patel High School, Junagadh, in which respondent No.6 was serving as teacher. He has further pointed out Column-3 (Page 37 to the petition), wherein the result of Hindi subject is reflected. For the year March 2006, the result of 79.60 is indicated for the Hindi subject, whereas for the year March 2007 and March 2008 it is indicated "NIL".

(2) Learned advocate for the petitioner has stated that the respondents have erred in allotting 100% for the result, though in the years 2007 and 2008 there were no students who had attended the examination of subject Hindi. He has also pointed out the marking system (Page 55

to the petition), more particularly Column-5, wherein the marks for "experience" are indicated. He has stated that considering the aforesaid column, 1% as per the percentage obtained from the total marks in the concerned subject is to be calculated and if the same is calculated respondent No.6 cannot be allotted 2.30 marks for the experience, which is evaluated by the Selection Committee (at Annexure-R3 to the petition - Page 60).

(3) As per the calculation of the learned advocate for the petitioner, respondent No.6 at the most could have been allotted only 0.79 looking to the result of March 2006. He has also submitted that even calculating the marks of the remaining years also i.e. 2007-08 the same would not come to 2.30 marks. He has submitted that if the marks granted to respondent No.6 under the head of "experience" are deducted, the petitioner would fall in the eligibility criteria as he has got more marks on the basis of his educational qualification.

(4) This Court called upon the learned advocate appearing on behalf of respondent No.6 as well as the learned Assistant Government Pleader appearing on behalf of the respondent authorities to explain how the marks of

educational experience i.e. 2.30 marks are granted to respondent No.6. Both the learned advocates appearing for the respective parties are unable to justify the allotment of 2.30 marks to respondent No.6.

(5) Learned Assistant Government Pleader Mr.Chintan Dave appearing on behalf of the respondent authorities has requested for some time in order to put calculation granted by the Selection Committee allotting 2.30 marks to respondent No.6 under the head of "Educational Experience".

(6) At the request of the learned Assistant Government Pleader, the matter is adjourned for three weeks, in order to file an affidavit explaining the allotment of 2.30 marks to respondent No.6.

Sd/-

[A. S. SUPEHIA, J]

Bhavesh-[pps]*