

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11867 of 2016**

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ASHISHKUMAR JITUBHAI PATEL & 2 other(s)

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:

MS ROOPAL R PATEL(1360) for the Petitioner(s) No. 1,2,3

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
Respondent(s) No. 1

LAW OFFICER BRANCH(420) for the Respondent(s) No. 2

MS TRUSHA K PATEL(2434) for the Respondent(s) No. 2

RULE SERVED(64) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE A.S. SUPEHIA****Date : 13/11/2019****ORAL ORDER**

1. At the outset, learned advocate Ms.Roopal Patel has placed reliance on the order dated 17.01.2019 passed in Special Civil Application No.7356 of 2017 in support of her submission. She has submitted that the petitioners are also identically situated to the petitioners in Special Civil Application No.7356 of 2017 and as observed by the Coordinate Bench, the case of the petitioner for promotion to the post of peon cannot be rejected on the basis of the draft rules. She has placed reliance on the observations made by the Coordinate Bench in paragraph Nos.3.1 and 4 of the order dated 17.01.2019. She has further submitted that the aforesaid order and judgment was implemented by the concerned District Court and vide order dated 15.04.2019, the concerned peons and bailiffs are granted the promotion. Thus, she has submitted that the present petitioners cannot be discriminated and are entitled to similar treatment and the observations made by the Coordinate Bench in the order dated 17.01.2019 may be made applicable to the present petitioners.

2. The order dated 15.04.2019 is ordered to be taken on record.
3. On verification, it was found that one Letters Patent Appeal No.1272 of 2019 is filed against the aforesaid order and the same is pending before the Division Bench.
4. Thus, it appears that the respondent authority have accepted the judgment and implemented the same.
5. Learned advocate Ms.Trusha Patel appearing for the respondent No.2 requests for some time in order to verify the aforesaid aspects.
6. At the request of the learned advocate Ms.Trusha Patel, the matter is kept on **2nd December, 2019**.

(A. S. SUPEHIA, J)

GUPTA*