

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14458 of 2023**

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GAURANG ASHUTOSH THAKER

Versus

HON'BLE HIGH COURT OF GUJARAT

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Appearance:

MR ANSHIN DESAI, SR. ADVOCATE with SHRINEEL M SHAH(9374) for the
Petitioner(s) No. 1

for the Respondent(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 29/08/2023****ORAL ORDER**

1. Heard learned Senior Advocate Mr. Anshin Desai with learned Advocate Mr. Shrineel M. Shah for the petitioner, who by way of this petition inter alia challenges a communication dated 27.02.2023, issued by the Public Information Officer, Gujarat High Court, more particularly whereby the request of the petitioner for disclosing the marks obtained by the present petitioner in a selection process for the post of District Judge has been rejected, more particularly after making certain adverse observations against the present petitioner.

2. Considering the submissions made by learned Senior Advocate Mr. Desai, it would appear that two main contentions are being raised, inasmuch as according to learned Senior Advocate, the Online

Application Portal itself did not provide for any system, whereby a candidate would be able to state the break in practice, if any, as regards the period of continuous practice undergone. Learned Senior Advocate would submit that it is under such circumstances that in the application, the petitioner had mentioned that he was practicing from the year 2009 to the year 2022.

3. It would further appear that insofar as the issue on merits is concerned, the submission made by learned Senior Advocate being that while the advertisement provides that the candidate must have practiced continuously for a period of not less than 07 years immediately preceding as on the last date for submission of the application, yet, according to learned Senior Advocate, such a proposition may not be in consonance with Article 233 of the Constitution of India, and whereas according to learned Senior Advocate, the total years of practice is required to be more than 07 years, rather than the period preceding the last date of submission of the application.

4. Having regard to the submissions made by learned Senior Advocate Mr. Desai, while it would prima facie appear to this Court that insofar as the communication dated 27.02.2023 is concerned, the same may be within the domain of the Court taking up appeals under the Right

to Information Act, yet, since it would also prima facie appear that a stigma has been cast against the present petitioner, therefore the aspect requires consideration.

5. Again, as far as the second issue raised by the learned Senior Advocate, it would appear that the same may not be res integra, and whereas it appears that a view contrary to the submissions made by learned Senior Advocate appears to have been taken by a learned Coordinate Bench of this Court in a decision in Special Civil Application No. 8193 of 2022, dated 28.04.2022, which has been annexed by the petitioner in the petition itself, more particularly the said decision being passed relying upon decisions of the Hon'ble Apex Court. Be that as it may, since the submissions made by the learned Senior Advocate Mr. Desai, in the prima facie opinion of this Court, require consideration, issue **Notice** to the respondents returnable on **11.10.2023**. Direct service is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)