

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13608 of 2019**

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TRUPTI NARESHBHAI CHAUDHARY

Versus

GUJARAT PUBLIC SERVICE COMMISSION & ANR.

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Appearance:

MR ATUL N VYAS(13986) for the Petitioner(s) No. 1

MR PRADEEP PATEL(642) for the Petitioner(s) No. 1

MR PREMAL R JOSHI(1327) for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 07/04/2026**ORAL ORDER**

1. Heard Mr.Pradeep Patel, learned advocate for the petitioner and Mr.Premal Joshi, learned advocate for respondent No.1.

2. The present petition is filed under Article 226 of the Constitution of India, seeking the following reliefs :

“(A) Your Lordship may be pleased to admit and allow this petition.

(B) Your Lordship may be pleased to issue a writ of mandamus and/or any other appropriate writ order or direction quashing and setting aside the Notification No.CCE-2018-711-(16)-EX dated 04.07.2019 issued by the respondent No.1-GPSC to the extent of merit no.238, whereby the respondent No.2 is shown as successful candidate at Seat No.107097423 pursuant to the Advertisement No.40/2018-19.

(C) Your Lordship may be pleased to issue a writ of mandamus and/or any other appropriate writ order or direction directing the respondent no.1-GPSC to declare the petitioner as successful candidate as against her seat number i.e. Seat No.107097423 pursuant to the Advertisement No.40/2018-19.

(D) Pending admission, hearing and final disposal of this petition, Your Lordship may be pleased to stay implementation, operation and execution of the declaration of the result qua Seat No.107097423 and thereby further be pleased to direct the respondent no.1 - GPSC to keep one seat vacant as against Seat No.107097423 pursuant to the Advertisement No.40/2018-19."

3. After arguing for some time and considering the reply which is filed by respondent No.1-GPSC, under the instructions of his client, Mr.Patel, learned advocate for the petitioner would request this Court that the petitioner may be allowed to approach the Civil Court to seek appropriate declaration and relief in regard to the prayers made in this petition.

4. *Prima facie*, after hearing the learned advocates for the respective parties, especially upon perusal of the reply and documents submitted by respondent No.1-GPSC, I am of the view that considering the nature of controversy germane in the matter, the petitioner is required to be relegated to the Civil Court as there are multiple disputed questions of fact involved wherein evidence is required to be led to prove the claim of the petitioner.

5. At the same time, while relegating the petitioner to the Civil Court, time spent before this Court is required to be given a set-off and it is open for the petitioner to claim benefit of Section 14 of the Indian Limitation Act, 1963, while filing any suit before competent Civil Court. Such aspect shall be examined and adjudicated by the Civil Court after giving an opportunity of hearing to all parties concerned.

6. It is made clear that this Court has not examined the merits of the matter, but upon *prima facie* appreciation of submissions and pleadings of the parties, decided to relegate the petitioner to the Civil Court, as prayed.

7. In view of the aforesaid observation and reasons, this petition is, accordingly, disposed of. Notice is discharged. There shall be no orders as to costs.

GAURAV J THAKER

(MAULIK J. SHELAT, J)