

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3647 of 2010****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022****In R/SPECIAL CIVIL APPLICATION NO. 3647 of 2010****With****R/SPECIAL CIVIL APPLICATION NO. 13924 of 2009****With****R/SPECIAL CIVIL APPLICATION NO. 179 of 2010****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2018****In R/SPECIAL CIVIL APPLICATION NO. 179 of 2010****With****R/SPECIAL CIVIL APPLICATION NO. 180 of 2010****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2018****In R/SPECIAL CIVIL APPLICATION NO. 180 of 2010****With****R/SPECIAL CIVIL APPLICATION NO. 9033 of 2017****With****R/SPECIAL CIVIL APPLICATION NO. 22061 of 2017**=====
SAIYED MEHJABIN MOHD RAZAULHAQ & ORS.**Versus****STATE OF GUJARAT & ORS.**
=====**Appearance:**

Advocate NOTICE SERVED for the Petitioner(s) No. 11,13,19,3,4,5,8,9

Advocate NOTICE UNSERVED for the Petitioner(s) No. 17

MR AJ YAGNIK(1372) for the Petitioner(s) No. 1,10,12,14,15,16,18,2,20,6,7

MS FORUM BIMAL SUKHADWALA, ASSISTANT GOVERNMENT PLEADER

for the Respondent(s) No. 1,2

MR KAUSHAL D PANDYA(2905) for the Respondent(s) No. 3

RULE SERVED BY DS for the Respondent(s) No. 1,2
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CORAM:HONOURABLE MR. JUSTICE MAULIK J. SHELAT**Date : 25/03/2026****ORAL ORDER**

1. Apropos to the order dated 25.02.2026 passed by this Court,

the Under Secretary, Education Department, addressed a communication dated 16.03.2026 to the Director, Primary Education. The copy of the said communication is submitted by Ms. Sukhadwala, learned Assistant Government Pleader. Nonetheless, under the instructions of the signatory to the aforesaid communication, namely, Mr. Arvindsinh Vaghela, Under Secretary, Education Department, State of Gujarat, she is requesting this Court that the authority may be allowed to withdraw the aforesaid communication. Further, it is stated that due to inadvertence and misconception, the said communication was issued by the authority. It is also made clear to this Court that the State has a policy, whereby, if any seats reserved for any class remained unfilled, it can be de-reserved.

2. The aforesaid request made by learned Ms. Sukhadwala, learned AGP, is accepted. Accordingly, the aforesaid communication dated 16.03.2026 is permitted to be withdrawn by the concerned authority with a caution that in future, before advertng to the issue and finalizing any opinion, due care may be taken by the competent authority of the State.

3. Mr. K. B. Pujara, learned Advocate with Mr. Gautam Joshi, learned Senior Counsel and Mr. A. J. Yagnik, learned Advocate for the petitioners, have tendered their respective written submissions along with citations.
4. At this stage, Mr. Kaushal D. Pandya, learned Advocate appearing for respondent No. 3 - Nagar Prathamik Shikshan Committee, is requesting for some time to make his stand good so far as the writ petition, being Special Civil Application No. 180 of 2010, in regard to any backlog vacancy for Scheduled Caste Marathi medium was available, when the advertisement in question was published and if available, a reason of not advertising such vacancy.
5. Since this matter is of the year 2010, pending before this Court, as a last chance, the concerned respondent may file its additional reply on or before 01.04.2026. Rejoinder, if any, shall be filed on or before 07.04.2026.
6. S.O. to 08.04.2026.

NILESH

(MAULIK J. SHELAT, J)