

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 10739 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10742 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10746 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10747 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10752 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10753 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10754 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10619 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10620 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10621 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10622 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10623 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10685 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10708 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10712 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10716 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10718 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10722 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10725 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10709 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10724 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10727 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10723 of 2025

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SUBHAM BHARATKUMAR KOTHARI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. RADHESH Y VYAS(7060) for the Petitioner(s) No. 1
MS NIRALI SARDA ASSTT. GOVERNMENT PLEADER for the
Respondent(s) No. 1
MR PREMAL R JOSHI(1327) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 31/07/2025

COMMON ORAL ORDER

1. Heard learned Advocate for learned Mr. Radhesh Vyas, learned Advocate Mr. Mit S Thakkar, learned Advocate Mr. Vaibhav Vyas and learned Advocate Mr. Shyam Shah for the petitioners, learned Assistant Government Pleader Ms. Nirali Sarda for respondent- State and learned Advocate Premal Joshi appears on behalf of respondent Gujarat Public Service Commission(GPSC).

2. Learned Advocate Mr. Joshi seeks for some time to file reply. The same is objected to learned Advocate Mr. Thakkar on behalf of the petitioners. It is submitted by learned Advocate for the petitioners that main examination is scheduled on 20.09.2025 to 28.09.2025. Learned Advocate would submit that in case this Court is granting time to the respondent – Commission to file its reply then this Court may grant interim relief in favour of the petitioners, more particularly permitting them to file their application forms for the main examination. Learned Advocate would submit that not passing of such orders, would prejudice the petitioners, since they may not be aware about their future course of action till this High Court decides the petitions.

3. Request made by learned advocate Mr. Thakkar is vehemently objected to by learned Advocate Mr. Joshi who would submit that since the Commission would file its reply on or before 06.08.2025, this Court may not pass any interim order in favour of the petitioners till such date.

4. Considering the submissions made by learned Advocates for the respective parties, to this Court it would appear that while the examinations are scheduled on 20.09.2025 to 28.09.2025, yet, non grant of any interim relief at this stage, would prejudice the petitioners, who are aspirants for the post in question more particularly, to this Court it would appear that unless the present petitioners are atleast given a brief idea about their status, it would be very difficult for the petitioners to prepare for the main examination that too for Class- I posts. To this Court it would appear that by permitting the petitioners to appear in the examination, no prejudice whatsoever would be caused to the respondent- Public Service Commission more particularly since this Court intends to issue adequate safeguards as regards protecting the interest of the Public Service Commission is concerned.

4.1 Furthermore, the issue which weighs with this Court while granting the interim relief is the fact that in the preliminary examination, whose answers are under question before this Court in this group of petitions, total 18.5% questions have been cancelled/ revised by the respondent – Public Service Commission itself. It would also appear that the petitioners are questioning the answers of even more questions than that had been cancelled by the the Public Service Commission. It also appears that the petitioners are also challenging suo motu cancellation of the questions by the Public Service Commission. Therefore, to this Court at this stage, based upon prima facie understanding it would appear that there may be a possibility that the petitioners may ultimately find themselves successful in the preliminary examination, yet, on account of their fate not being decided before hand, they would get very less time for preparation for the main examination. Moreover, to this Court it would appear that permitting the

petitioners to appear in the examination without creating any equity in their favour and directing the GPSC to place the result in a sealed cover, pending final decision of these petitions would balance the interest of both the parties. Hence the following directions:

[1] The petitioners, i.e all the petitioners of these petitions, are permitted to file their application form for appearing in the main examination, which is scheduled from the 20.09.2025 to 28.09.2025. Learned Advocates for the petitioners submits that since the last date for applying being 31.07.2025, it would be possible for all the petitioners to apply on or before the said date.

[2] The GPSC shall process the applications of the petitioners, without any reference to the fact that the petitioners are shown as disqualified in the preliminary examination and whereas the GPSC shall take appropriate steps to ensure that the petitioners are able to appear in the main examination.

[3] It is clarified that appearing in the main examination, shall not create any equities in favour of the petitioners and whereas it is further directed that the results of the present petitioners, shall be kept in a seal cover, to be opened after further directions are given in that regard by this Court.

[4] List the matter on 07.08.2025 by which date reply shall be filed by the GPSC.

Y.N. VYAS

(NIKHIL S. KARIEL,J)