

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/LETTERS PATENT APPEAL NO. 1100 of 2025**  
**In R/SPECIAL CIVIL APPLICATION/9398/2025**  
**With**  
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2025**  
**In R/LETTERS PATENT APPEAL NO. 1100 of 2025**

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**BHAKTA KAVI NARSINH MEHTA UNIVERSITY**  
**Versus**  
**AMITKUMAR LALITBHAI GHORICHA & ANR.**

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**Appearance:**

**MR DG SHUKLA(1998) for the Appellant(s) No. 1**  
**MS SHRUTI DHRUVE AGP for the Respondent(s) No. 2**  
**MR KARAN K PAUL(11611) for the Respondent(s) No. 1**

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**CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**  
**and**  
**HONOURABLE MR. JUSTICE L. S. PIRZADA**

**Date : 23/09/2025**

**ORAL ORDER**  
**(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. We have heard learned advocate Mr. D.G. Shukla for the appellant- University and learned advocate Mr. Karan K. Paul for respondent no.1 and learned AGP Ms. Shruti Dhruve on behalf of respondent-State.

2. At the outset, learned advocate Mr. Paul for respondent no.1 has submitted that respondent no.1 has no cavil on approaching the Tribunal for redressing his grievances, however, the only concern is to protect his services as the appellant - University, by issuing the advertisement dated 05.05.2025 and by passing the order dated 30.05.2025, has determined to end the contractual employment of the respondent no.1, by replacing him by another contractual employee.

3. At this stage, learned advocate Mr. D.G. Shukla has submitted that, the recruitment process was not undertaken as per the advertisement dated 05.05.2025, and hence the same has been cancelled. Hence, it is urged that in case, the respondent no.1 is seeking regularization, the only remedy available to him is to approach the Tribunal.

3.1 Learned advocate Mr. Shukla in support of his submissions has placed reliance on the order dated 03.01.2024 passed by the learned Single Judge in Special Civil Application No. 6578 of 2018, in favour of the present appellant - University, wherein the writ petition was not entertained in view of the alternative remedy available to the petitioner - employee of approaching the Gujarat Education Services Tribunal. He has further submitted that the said order was further challenged by the concerned employee in Letters Patent Appeal No. 361 of 2024 and the Division Bench of this Court by order dated 30.07.2024, has confirmed the order passed by the learned Single Judge. Thus, it is urged that in the present case also, since respondent no.1 is having an alternative remedy, the present appeal may be dismissed.

4. Having heard the learned advocates for the respective parties, we find that even before us, respondent no.1 has not denied and rather has admitted that in fact he has an alternative remedy of approaching the Tribunal under the provisions of the relevant Act. We have noticed that the learned Single Judge laid emphasis on the fact that pursuant to the advertisement dated 05.05.2025, the contractual employee - respondent no.1 - original writ petitioner has been replaced by another contractual employee, which is contrary to the decision of the Supreme Court. Therefore,

we completely agree with the observations recorded by the learned Single Judge. However, the fact remains that since the appellant - University has not undertaken any recruitment and the advertisement itself is cancelled, the issue with regard to replacing respondent no.1 by another contractual employee pales into insignificance. Thus, the only issue, which remains to be addressed, is with regard to his original prayer seeking regularization on the post of Assistant Librarian, for which the respondent no.1 has an efficacious alternative remedy before the Tribunal.

5. Under these circumstances, since the prayer of the appellant - University is only confined to regularization and in wake of the fact that the advertisement for appointing a contractual employee is already cancelled, the present appeal is allowed to the extent that respondent no.1 shall approach the Tribunal by filing appropriate application for seeking the relief of regularization. So far as the order passed by the learned Single Judge with regard to the maintainability of the writ petition, despite availability of an alternative remedy is concerned, the same is hereby quashed and set aside.

6. In order to see that the prayer of respondent no. 1 does not get frustrated, it is directed that in case the respondent no.1-original petitioner is continued in service, his service period shall not be altered for a period of 15 days. Meanwhile, respondent no.1 shall approach the Tribunal. If any prayer is made by the respondent no.1 for further continuing in service, the Tribunal shall pass appropriate orders after hearing the respective parties in this regard. We further clarify that the interim order passed by this

Court continuing the services of the respondent no.1 shall operate only for further period of 15 days, and in the meanwhile, the respondent no.1 shall approach the Tribunal for obtaining appropriate orders. It is further clarified that the other ancillary issues like payment of salary or wages etc, or taking the work from respondent no.1 shall be contended by the respective parties before the Tribunal and the same shall be dealt with by the Tribunal, in accordance with law.

7. Accordingly, the present Letters Patent Appeal stands disposed of in aforesaid terms and consequently, the civil application also stands disposed of.

**(A. S. SUPEHIA, J)**

**(L. S. PIRZADA, J)**

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