

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. YASHVI R. SHAH(18270), ADVOCATE WITH MS. VIDHI MODI,
ADVOCATE for the Respondent(s) No. 1
MS. SHRUTI DHRUVE, AGP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 10/04/2026

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

[1] The respondent No.1 approached this Court by way of a Special Civil Application seeking a direction to the appellant herein to regularize his services as an Assistant Librarian.

[2] It was the case of the respondent No.1 that he was appointed in the year 2020 on a contractual basis, and the period of contract was for a period of 11 months. It was his further case that this contract came to be extended from time to time and was valid till 31.07.2025.

[3] The case of the respondent No.1 was that since he had worked for more than 5 years, he was entitled to be regularized and, therefore, the Special Civil Application.

[4] On 18.08.2025, the learned Single Judge, after considering the arguments advanced by the appellant as well as by the respondent No.1, proceeded to pass an interim order in the following terms:-

“[1] Issue Notice to the respondent returnable on 30.09.2025.

[2] Preliminary objections as regards entertainability raised by the University is rejected.

[3] By way of interim relief, the respondent- University is directed to retain the services of the petitioner on the post of Assistant Librarian, till suitable candidature is appointed on the said post on regular basis.

[4] The services of the petitioner shall be continued with effect from 01.08.2025.

[5] Compliance shall be reported to this Court by the returnable date.

[6] Learned AGP waives on behalf of respondent no.1 - State. Learned Advocate Mr. Shukla waives service on behalf of the respondent no.2- University”

[5] As could be seen from the above, by virtue of this interim order, the preliminary objection raised by the appellant University that the writ petition was not maintainable and that the respondent No.1 was required to approach the Gujarat Educational Institution Services Tribunal was held to be untenable. In other words, the learned Single Judge overruled the preliminary objections and held that the writ petition was maintainable.

[6] Having held that the writ petition was maintainable, the learned Single Judge has proceeded to grant an interim order to the effect that the University should retain the services of the respondent No.1 in the post of Assistant Librarian till a suitable candidate is appointed to the said post on a regular basis. It was also held by the learned Single Judge that the services of the respondent No.1 were to be continued with the effect from 01.08.2025.

[7] It is against this interim order, which fundamentally directs the University to retain the services of the respondent in the post of Assistant Librarian till a suitable candidate was appointed on a regular basis, that the present appeal is filed. No doubt, the University also seeks to challenge the order of the learned Single Judge in so far as it relates to the maintainability of the writ petition.

[8] A Co-ordinate Bench of this Court, by an order dated 23.09.2025, had in fact disposed of this Letters Patent Appeal, permitting the respondent No.1 to approach the aforementioned Tribunal for obtaining appropriate orders. The Co-ordinate Bench, in fact, continued the direction of the learned Single Judge for a period of 15 days.

[9] While disposing of the appeal, it was also held by the Co-ordinate Bench that in case the University had continued the services of the respondent, the service period should not be altered for a period of 15 days.

[10] It is to be mentioned here that the original interim order granted by the learned Single Judge on 18.08.2025, directing the services of the respondent to continue with effect from 01.08.2025 had not been stayed by the Division Bench. Consequently, in law, the respondent is deemed to have continued in service with effect from 01.08.2025.

[11] Pursuant to the order of the Co-ordinate Bench, the respondent No.1 did approach the Tribunal, and the Tribunal passed an order on 03.10.2025 to the effect that the interim order granted by the Co-ordinate Bench, i.e., to continue the services of the respondent for a period of 15 days was to be extended till the next date of hearing. It is not in dispute that thereafter the Tribunal has periodically extended the interim order.

[12] After the Co-ordinate Bench had allowed the writ appeal, an application came to be filed by the respondent stating that the proceedings that he had initiated before the Tribunal were without jurisdiction and, consequently, the order was required to be recalled. The Co-ordinate Bench, which had allowed the writ appeal, accepted this contention and recalled the order, thereby restoring the writ appeal, which, as a consequence, is being taken up for consideration today.

[13] It may also be pertinent to state here that in the interregnum, the learned Single Judge, before whom the Special

Civil Application is still pending, was pleased to grant an interim order on 16.12.2025 to the effect that the interim relief granted on 18.08.2025, which was extended by the Division Bench, i.e., the Co-ordinate Bench would continue to remain in operation till the next date of hearing.

[14] Thereafter, the respondent No.1 made an civil application requesting the learned Single Judge to issue a direction to the University to take him back on duty and thereby comply with the order. However, this application has been withdrawn in view of the fact that a review application had been filed and was pending consideration, and the said application would be revived after the review was disposed of.

[15] The net effect of these proceedings is that the learned Single Judge, in a petition in which the respondent sought regularization, granted an interim order directing the services of the respondent to be continued till a regular recruitment was made. This interim order was extended by the Co-ordinate Bench when this Letters Patent Appeal was disposed of, and the learned Single Judge has, by its order dated 16.12.2025, extended the interim order granted in favour of the respondent on 18.08.2025. Technically speaking, by virtue of the order dated 16.12.2025, this writ appeal would be rendered infructuous.

[16] Be that as it may, since the University, according to us, is taking an unfair stand in the manner in which it is litigating this issue, it has become necessary for us to decide the case of the university, at least in so far as the interim relief is concerned.

[17] It is not in dispute that the appellant did engage the services of the respondent No.1 on a contractual basis, and this service continued for more than five years. In such a situation, when the respondents sought for regularization, the learned Single Judge thought it fit to extend the interim order. It may be pertinent to state here that the argument of the University that the writ petition was not maintainable has been overruled. The fact that the Co-ordinate Bench of this Court recalled its order permitting the respondent No.1 - original petitioner to approach the Tribunal also indicates that the writ petition was, in fact, maintainable. It is, therefore, clear that the order of the learned Single Judge holding that the writ petition was maintainable cannot be found fault with. As a necessary consequence of holding that the writ petition was maintainable, the interim order granted by the learned Single Judge, which has also been subsequently continued, cannot be found fault with, given the fact that the respondent has been in service since 2020.

[18] We, therefore, find that there is absolutely no reason to entertain this writ appeal, and the writ appeal is, accordingly, dismissed.

[19] It is hereby ordered that the appellant University shall pay the respondent No.1 salary with effect from 01.08.2025 and shall forthwith take the respondent No.1 back on duty, continuing to pay salary as before. It is needless to state that this interim order, as observed by the learned Single Judge, shall operate only till regular recruitment is made to the post held by the respondent.

[20] All pending applications stand consigned to records.

(N.S.SANJAY GOWDA, J.)

(J. L. ODEDRA, J.)

DHARMENDRA KUMAR