

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13456 of 2025**

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PATEL NISHABEN POPATLAL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR AD OZA(515) for the Petitioner(s) No. 1

MS DEVANSHI PATEL, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 26/09/2025**ORAL ORDER**

1. Heard learned advocate Mr.A.D.Oza with learned advocate Mr.Meet Shah and learned advocate Ms.Yashvi Shah on behalf of the petitioner and learned Assistant Government Pleader Ms.Devanshi Patel appearing on behalf of the respondent – State.

2. By way of this petition, the petitioner challenges action of the respondent – State of excluding the petitioner from final allotment list for the post of Shikshan Sahayak on the ground that the petitioner had exercised limited number of choice and the choices sought for by the petitioner had already been selected and allotted to candidates more meritorious than the petitioner.

3. The above being culled out by the petitioner from the list of selected candidates being declared by the respondents and whereas, according to the petitioner, no express list or order whereby the name of the petitioner has been directed to be excluded was ever communicated to the petitioner. It is also submitted by learned advocate Mr.Oza on behalf of the petitioner that as such, while in selection for Shikshan Sahayak for the secondary schools, a condition was available with the respondents of excluding the petitioner from allotment of schools in case candidate had exercised limited number of choices and such choices had already been selected by the candidates more meritorious than the candidate in question, yet, no such rule is available on selection of Shikshan Sahayak for higher secondary schools.

3.1. It is also pointed out by learned advocate Mr.Oza that as such, as far as second part of the selection is concerned, the same is covered by the decision of this Court in case of Patel Sonambahen Vasantbhai vs. State of Gujarat, rendered in Special Civil Application No.7401/2021 dated 11.03.2022.

4. Considering the submissions made by learned advocate

Mr.Oza, learned AGP Ms.Patel would seek for some time.

5. Under such circumstances, list on 03.10.2025 and whereas, by the said date, the respondents shall ensure an affidavit being filed inter alia stating as to whether the action of excluding the petitioner from the list of selected candidates was in exercise of any rule or regulation available with the respondents.

Bhoomi

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 29/09/2025 12:42:21