

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 13792 of 2025
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 13792 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 13820 of 2025
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 13820 of 2025

FOR APPROVAL AND SIGNATURE:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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AGRICULTURAL PRODUCE MARKET COMMITTEE, IDAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:
 SCA NO 13792 OF 2025
 MR SHALIN MEHTA SENIOR ADVOCATE WITH MR DIPAN DESAI(2481)
 for the Petitioner(s) No. 1
 SCA NO 13820 OF 2025
 MR DHAVAL VYAS SENIOR ADVOCATE WITH MS JAYINI D THAKORE for
 the Petitioner(s) No. 1
 SCA NOS 13792 OF 2025 AND 13820 OF 2025
 MR G.H. VIRK GOVERNMENT PLEADER WITH MS DHARITRI PANCHOLI
 AGP for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK

Date : 04/05/2026**COMMON JUDGMENT**

1. RULE returnable forthwith. Mr. GH Virk, learned Government Pleader waives service of notice of rule on behalf of the respondents.

2. With the consent of the learned counsel for the respective parties, the present petition is taken up for final hearing today.

3. Present petition is filed by the petitioner under Articles 14, 19 and 226 of the Constitution of India challenging the impugned order dated 17.09.2025 passed by respondent no. 2 - Director whereby respondent no.2 Director has cancelled the recruitment process undertaken by the Agricultural Produce Market Committee (APMC), Idar and cancelled the resolutions passed by the APMC for appointing 12 employees.

4. Since both the petitions are filed against the same impugned order, the facts of Special Civil Application No. 13792 of 2025 is considered as a lead matter and both the petitions are being disposed of by this common judgment.

5. Brief facts giving rise to the present petition are that the petitioner had undertaken a recruitment process by advertisement dated 16.03.2024 published in JansattaSamachar for recruitment of 8 clerks and 4 auctioneer clerks. That, after the recruitment process was concluded, one Hemant Nachhabhai Patel and one Kiritbhai Chimanbhai Patel challenged the recruitment process as being illegal. That, the respondent no.2, vide order dated 07.05.2025 passed an order under section 44 to conduct an inquiry with regard to the appointments made by the petitioner. Subsequently, respondent no. 2 Director vide order dated 17.09.2025 cancelled the recruitment process undertaken

by the petitioner and cancelled the resolutions passed by the petitioner for appointing 12 employees. Being aggrieved by the same, the petitioner has preferred the present petition.

6. Heard the learned counsel for the respective parties.

7. I have heard the learned counsel for the respective parties and perused the materials available on record. It appears that the petitioner had undertaken a recruitment process by advertisement dated 16.03.2024 published in JansattaSamachar for recruitment of 8 clerks and 4 auctioneer clerks. It appears that the recruitment process was challenged on grounds of illegality and subsequently, respondent no. 2 Director vide order dated 17.09.2025 cancelled the recruitment process. It appears that the petitioner was not afforded any opportunity before the impugned order of cancellation of recruitment process was passed and the position is not disputed by any parties.

8. Considering the submissions canvassed by both the parties, the averments made in the present petition and considering the decision of the Co-ordinate Bench of this Court in Special Civil Application No. 15833 of 2023 dated 16.10.2023 referred and relied upon by the learned counsels for the petitioner wherein order was passed in another Agricultural Produce Market Committee for providing appropriate opportunity to the concerned petitioner, both the petitions deserve to be allowed and the impugned order passed by respondent no.2 deserves to be quashed and set aside.

9. In the result, both the petitions are allowed. The impugned order dated 17.09.2025 passed by respondent no.2 is quashed and set aside. The respondent no.2 Director shall consider and decide the issue relating to the recruitment process and determine whether any illegality has been committed or not after hearing the concerned parties and considering the contentions raised by all the concerned parties as well as the objectors who have filed the civil applications for joining as party to the proceedings i.e. applicants namely Hemantbhai Nachchhabhai Patel and Kiritbhai Chimanbhai Patel are also to be heard before passing any order. It is open for both the parties to raise all the legal contentions available under the eye of law before respondent no.2 and the same shall be considered and decided by respondent no. 2 in accordance with law and without being influenced by the order passed in the earlier proceedings, as expeditiously as possible preferably within a period of four months from the date of receipt of copy of writ of this order. Rule is made absolute. Direct service is permitted.

10. In view of the order passed in the present petitions, the Civil Applications are disposed of accordingly.

(HEMANT M. PRACHCHHAK,J)

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