

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17934 of 2025**

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SANJEEVKUMAR PRABHUDAS VADHER & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR VAIBHAV A VYAS(2896) for the Petitioner(s) No. 1,2

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 NIRZAR S. DESAI

Date : 16/01/2026**ORAL ORDER**

1. Heard learned advocate Ms. Prachi Upadhyay for learned advocate Mr. Vaibhav Vyas for the petitioners. She states that the petitioners' candidature has been rejected on the ground of pay band, as the grade pay is 2400 instead of 2800, and this is the only ground for rejection of the petitioners' candidature for the post of Supervisor Instructor. The recruitment is in respect of the post of Principal, Class-II, for which Supervisor Instructor or equivalent is the basic qualification required. According to learned advocate Ms. Upadhyay, without claiming any equity or without creating any right in favour of the petitioners, as both the petitioners possess the requisite educational qualifications and also possess the necessary experience for the post in question, if the candidature is rejected only on the ground of grade pay, the same cannot be

said to be a justifiable reason. Therefore, the petitioners are ready to file an undertaking before this Court to the effect that, in case they are allowed to appear in the examination, none of the petitioners would claim any equity on the basis of mere participation in the oral interviews or create any right of appointment even if they succeed in the interview, or ultimately the petition fails.

2. In view of the above submissions, as the interviews are already going on for the post in question and are about to over on 20th January 2026, the interest of justice would be served if both the petitioners are permitted to appear in the oral interview scheduled on 20th January 2026, without creating any interest, right, or equity in favour of the present petitioners and subject to the final outcome of the petition. An undertaking to that effect shall be filed by the petitioners within a period of ten days from today, i.e. on or before 27th January 2026. List the matter on 30th January 2026.

The results of the present petitioners are directed to be kept in a sealed cover, which this Court may direct to be opened at an appropriate stage.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)