

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 3089 of 2025

In

R/SPECIAL CIVIL APPLICATION/8292/2018

BHAVIKABEN PRABHATSINH PATEL

Versus

MUKESH KUMAR, SECRETARY & ORS.

Appearance:

MS. PRACHI UPADHYAY for MR VAIBHAV A VYAS(2896) for the Applicant(s) No. 1

MS. FORAM U. TRIVEDI, AGP for the Opponent(s) No. 1,2,3,4

CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 18/08/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This petition is filed for following prayers:

“(A) Initiate the proceedings against the respondents herein, under the Contempt of Courts Act, 1971, for willful disobedience of the directions issued by this Honourable Court by order dated 03.12.2025 passed in Special Civil Application No.8292 of 2018, Annexure-A to this petition, and

(B) Further be pleased to direct the respondents to comply with the directions issued by this Honourable Court vide order dated 03.12.2025 passed in Special Civil Application No.8292 of 2018 Annexure-A to this petition and appoint the petitioner to the post of District Commandant of Home Guards, and

(C) Pending admission and final disposal of this application, the Honourable Court may be pleased to direct the respondents to comply with the directions issued by this Honourable Court vide order dated 03.12.2025 passed in Special Civil Application

No.8292 of 2018, Annexure-A to this petition and,

(D) Award the cost of this petition, and

(E) Grant any other relief or pass any other order which the Honourable Court may consider as just and proper in the facts and circumstances of the case.”

2. Directions in Oral Judgment dated 03-12-2025 passed in Special Civil Application No.8292 of 2018 are as under:

“12. In view of the foregoing reasons, according to my view, petitioner requires to be appointed by respondent authority and as such all oral objections, which raised by respondents, are unsustainable in the eyes of law, thus, such objections on the part of the respondent authority require to be quashed and set aside, which is hereby quashed and set aside.

13. The impugned action on the part of the respondent in not issuing appointment letters to the petitioner for the post of Shikshan Sahayak is set aside. The respondent concerned is directed to issue appointment order forthwith to the petitioner for the post of Shikshan Sahayak in question. Accordingly, the present petition is hereby allowed with consequential benefits to follow. Rule is made absolute to the aforesaid extent.”

3. The State has filed Affidavit, wherein compliance is reported and in the Affidavit, the State has stated as under:

“4. I respectfully submit that in compliance with the aforesaid judgment, the petitioner has been issued an appointment order dated 30.03.2017 for the post of Shikshan Sahayak and she has been permitted to join service. Thus, the direction contained in the order dated 03.12.2025 has been duly complied with. (The copy of the Appointment order is annexed and marked herewith as Annexure R-1)

5. I further respectfully submit that under the prevailing Government policy governing recruitment of Shikshan Sahayaks, the candidate appointed as Shikshan Sahayak is initially required to serve on fixed pay for a period of five years. The petitioner has also been governed by the said policy like all other similarly situated employees. After successful completion of the prescribed period, she has been extended the benefit of the regular pay scale and all admissible consequential monetary benefits in accordance with the applicable Government Resolution and service rules.”

4. In the opinion of the Court, filing of the Affidavit and the appointment order dated 30-03-2017 for the post of Shikshan Sahayak, which is placed on record, is substantial compliance of the order.

5. In view of the aforesaid, no further orders are required to be passed. Hence, ***the petition stands disposed of.*** Notice is discharged.

6. Learned Advocate for the petitioner prays for liberty to approach the Department for any other dues that may be available to the petitioner under the orders of this Court. Liberty as prayed for is granted.

(A.Y. KOGJE, J)

(NISHA M. THAKORE,J)

PARESH SOMPURA

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PARESHKUMAR SOMPURA(HC00451), Principal Pvt Secretary, at High Court of Gujarat on 19/08/2026 17:36:27