

Rameshbhai Meramanbhai Kachhot vs State Of Gujarat on 11 November, 2025

Author: Bhargav D. Karia

Bench: Bhargav D. Karia

C/LPA/1193/2025

ORDER DATE

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1193 of 2025

In R/SPECIAL CIVIL APPLICATION NO. 10177 of 2025
With

CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/LETTERS PATENT APPEAL NO. 1193 of 2025

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RAMESHBHAI MERAMANBHAI KACHHOT & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SALIM M SAIYED(5172) for the Appellant(s) No.

1,10,11,12,13,14,15,2,3,4,5,6,7,8,9

MS SHRUTI DHRUVE AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA

and

HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 11/11/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. The following order was passed on 07.11.2025:-

"1. Learned advocate Mr. Salim M. Saiyed for the petitioners submitted that by the impugned order dated 02.09.2025, the petition along with the civil application is dismissed on the ground that the appellants have not completed 15 years of service either as Unarmed Police Constable or Unarmed Head Constable and the petitioners were not permitted to appear in the physical test for selection to the post of Police Sub Inspector Unarmed, Class-III.

2. It was further submitted that in Special Civil Application No.10904 of 2025 filed by similarly situated persons who have also not completed the service of 15 years, have been permitted to NEUTRAL CITATION C/LPA/1193/2025 ORDER DATED: 11/11/2025 undefined appear for the physical test by order dated 11.09.2025 passed in Civil Application No.01 of 2025 in Special Civil Application No.10904 of 2025. It was therefore, submitted that the appellants have been discriminated by rejecting the petition of the appellant whereas the similarly situated persons have been permitted to appear for physical test and the said petition is under consideration.

3. Considering the above submissions, Registry to list this appeal along with the Special Civil Application No. 10904 of 2025 on 11.11.2025 on the top of the Board."

2. In compliance of the above order, the Registry has placed the papers of Special Civil Application No.10904 of 2025 along with this matter.

3. Heard learned Senior Advocate Mr.Gautam M. Joshi appearing with learned advocate Mr.Mehul A. Sharma for the petitioners in Special Civil Application No.10904 of 2025, learned advocate Mr.Salim M. Saiyed for the appellants in Letters Patent Appeal No.1193 of 2025 in Special Civil Application No.10177 of 2025 and learned Assistant Government Pleader Ms.Shruti Dhruve for the respondents.

4. On perusal of facts of both the petitions i.e. Special Civil Application No.10904 of 2025 and Special Civil Application No.10177 of 2025, it appears that the petitioners of both the NEUTRAL CITATION C/LPA/1193/2025 ORDER DATED: 11/11/2025 undefined petitions are sailing in the same boat. The petitioners were appointed as Constable (Unarmed) in the batch of 2011 and have put in service of about more than 13 to 14 years and admittedly, have not completed minimum requisite period of 15 years to be eligible to apply for the selection as Police Sub- Inspector (Unarmed), Class-III. In Special Civil Application No.10904 of 2025, the petitioners have challenged the Police Sub-Inspector (Unarmed), Class-III, Special Competitive Examination Rules, 2024. As per the Rules, the persons, who were part of the same selection process through which, the petitioners were selected and who were appointed in or around the same time with the petitioners in different districts, have already been promoted as Head Constable and Assistant Sub-Inspector, which has resulted in the candidates being eligible for appearing in the examination in view of Rule 5(a) of the advertisement.

5. As the similar issue is pending for consideration before the learned Single Judge, the impugned order dated 02.09.2025 dismissing the petition, if permitted to continue, would result into injustice

to the appellants - original petitioners. Therefore, without entering into the merits of the NEUTRAL CITATION C/LPA/1193/2025 ORDER DATED: 11/11/2025 undefined case, as on the merits, the matter is pending before the learned Single Judge, the impugned order dated 02.09.2025 is hereby quashed and set aside and Special Civil Application No.10177 of 2025 is restored to file and is ordered to be heard with Special Civil Application No.10904 of 2025 before the learned Single Judge.

6. Registry to list both the matters, along with other allied matters, before the learned Single Judge in due course.

7. The appeal is accordingly disposed of.

(BHARGAV D. KARIA, J) (L. S. PIRZADA, J) Hitesh