

ITEM NO.34

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 432/2023

RAVIKUMAR DHANSUKHLAL MAHETA & ANR.

Petitioner(s)

VERSUS

HIGH COURT OF GUJARAT & ORS.

Respondent(s)

FOR ADMISSION and IA No.69227/2023-STAY APPLICATION

IA No. 81822/2023 - INTERVENTION/IMPLEADMENT

IA No. 80862/2023 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS

Date : 28-04-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Basant R., Sr. Adv.
Mr. Purvish Jitendra Malkan, AOR
Mr. Narayan Laxman Rao, Adv.
Ms. Dharita Purvish Malkan, Adv.
Mr. Alok Kumar, Adv.
Ms. Deepa Gorasia, Adv.
Mr. Deepak Mani Tripathi, Adv.
Mr. Nayan Gupta, Adv.
Mr. Ajit Rao, Adv.
Mr. Saudagar Singh, Adv.
Ms. Bhavna Sarkar, Adv.

For Respondent(s) Mr. S. V. Raju, ASG/Sr. Adv.
Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.
Mr. Adhitya Koshy Roy, Adv.

Ms. Deepanwita Priyanka, AOR

Ms. Meenakshi Arora, Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. V.P. Singh, Adv.
Mr. Vyom Raghuvanshi, Adv.
Mr. Tushar Arora, Adv.
Ms. Akanksha Rathore, Adv.

Mr. Arpit Gupta, AOR
Mr. Aditya Choksi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

It is very unfortunate that, despite the fact that the respondents, more particularly, the State Government, was aware of the present proceedings and the fact that, in the present proceedings, this Court made the notice returnable on 28.04.2023, the State Government has issued the promotion order dated 18.04.2023 i.e. after the receipt of the notice issued by this Court in the present proceedings. In the promotion order dated 18.04.2023, even the State Government has stated that the promotions which are given are subject to the outcome of the proceedings.

We do not appreciate the haste and hurry in which the State has approved and passed the promotion order dated 18.04.2023, when this Court was seized with the matter and a detailed order was passed while issuing the notice.

It is to be noted that the selection was of the year 2022 and therefore there was no extraordinary urgency in passing the promotion order and that too when this Court was seized of the matter.

We are *prima facie* of the opinion that it is nothing but overreaching the Court's process and the present proceedings.

Let the Secretary of the State Government explain the extraordinary urgency shown in the matter in giving promotion and issuing the notification dated 18.04.2023 granting the promotion, subject to the ultimate outcome of the proceedings.

The High Court also to file a reply specifically on whether the promotions to the post in question are to be given on the basis of the seniority-cum-merit or the merit-cum-seniority and place on record the entire merit list.

Put up on 01.05.2023.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR