

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5584 of 1985

Date of decision: 29-8-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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R I PATEL

Versus

STATE OF GUJARAT  
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Appearance:

MR IS SUPEHIA for Petitioners  
Mrs. Siddhi Talati for Respondent No. 1  
None present for other Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/08/97

## ORAL JUDGEMENT

The only contention raised by the learned counsel for the petitioner is that petitioners No.1, 4 and 5 had already passed the short hand examination at the speed of 80, 100 and 100 words per minute as against 75, 90 and 100 words per minute, and as such they should not have been called upon to again pass the same examination at the lower speed; and on the basis of their earlier passing of the examination they should have been considered eligible and given promotion. The certificates of examinations passed by the petitioners are produced, and I find that petitioner No.1 passed the examination in the year 1974 and petitioners No.2 and 5 have passed in the year 1980. It is true that the speed which is required for passing the examination for promotion is less than the speed at which the earlier examination was passed. But if the time gap in between is considered, possible inference can be drawn that the speed in short hand may not have remained the same. Otherwise also the petitioners are estopped from raising this plea before this court as having known fully about their own certificates they voluntarily appeared in the examination for promotion and when they failed they filed this petition. This conduct of theirs itself is sufficient for dismissing the petition. The special civil application is misconceived, and the same is dismissed. Rule discharged, with cost of Rs.1000/-.

The amount of cost of Rs.1000/- shall be recovered from from the salary of the petitioners, and the same shall be deposited in the Chief Minister's Relief Fund. Since the petitioners are low paid employees, the amount may be recovered in easy monthly installments.

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