

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6677 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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- 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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GITABEN B PATEL - Petitioner

Versus

STATE OF GUJARAT & 2 - Respondents

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Appearance :

MR DP VORA for Petitioner:

MS. ARCHANA RAVAL, LD. AGP for Respondents : 1, 3,

NOTICE SERVED for Respondent : 2,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 28/04/2006

ORAL JUDGMENT

1.The petitioner has preferred this petition seeking mandamus to the respondents to treat the petitioner to be continuous in service from the date of initial

appointment, and to regularise her service with all the consequential benefits. The petitioner was initially appointed in the year 1991 as part-time lecturer in Sanskrit at Government Arts College, Vasada, vide order dated 5/10/1991. An order came to be issued on 20/4/1992, whereunder it was stipulated that, she was appointed at fixed salary of Rs.1,500=00 and she was to be relieved on availability of regular candidate selected through Gujarat Public Service Commission ['GPSC']. Thus her services were to be put an end to on the availability of duly selected candidate from GPSC.

2. Learned counsels of parties are at agreement that the issue of regularisation of such petitioners have been already settled and it is no more res-integra. It is now established position of law that the adhoc lecturer and/or part-time lecturer and/or fixed time lecturer are required to give way to the duly selected GPSC candidates. However, this Court has time and again passed order while dismissing the petition to protect petitioner's service till the availability of duly selected candidate by GPSC. In the instant case, as it is mentioned in the affidavit-in-reply filed by Shri. Ashwinkumar Keshavlal Bhati, Senior Superintendent,

Office of the Commissioner, Higher Education, Gandhinagar on 18/3/2006 that the petitioner was appointed as ad-hoc lecturer in Government Arts College, Vasada, District Valsad, and she has been relieved, as GPSC selected candidate has been given appointment on her post. At present she is working in Kheda Arts Commerce College (Grant-in-Aid College) at Kheda.

3. Thus this petition also could be disposed of as having no merits. However, if the petitioner is appointed in Kheda Arts Commerce Grant-In-Aid College, then, she may be continued till the duly selected candidate from GPSC is not available. However, it is made clear that as & when duly selected candidate through GPSC is available for appointment, she will have no right to continue and her service can be put an end to without any notice.

4. This petition is disposed of accordingly. Rule is discharged. Interim relief, if any, shall stand vacated, but with the above observations. No order as to costs.

/vgn

[S.R. BRAHMBHATT, J]