

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 1143 of 2012
In
SPECIAL CIVIL APPLICATION No. 5824 of 2012

For Approval and Signature:

HONOURABLE MR.JUSTICE V. M. SAHAI

Sd/-

HONOURABLE MR.JUSTICE G.B.SHAH

Sd/-

1.	Whether Reporters of Local Papers may be allowed to see the judgment ?	NO
2.	To be referred to the Reporter or not ?	NO
3.	Whether their Lordships wish to see the fair copy of the judgment ?	NO
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 ?	NO
5.	Whether it is to be circulated to the civil judge ?	NO

KANABAR ANJANABEN JAYANTILAL - Appellant

Versus

STATE OF GUJARAT THRO SECRETARY & 1 - Respondent

Appearance :

MR ND SONGARA for Appellant.

MR RAKESH R PATEL, AGP for Respondents.

CORAM : HONOURABLE MR.JUSTICE V. M. SAHAI

and

HONOURABLE MR.JUSTICE G.B.SHAH

Date : 30/10/2012

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE V. M. SAHAI)

1. We have heard Mr. N. D. Songara, learned counsel for the appellant and Mr. Rakesh R. Patel, learned Assistant Government Pleader for respondents.

2. An advertisement was issued in the year 1998 for selection of candidates on the basis of interview only for the post of '*Mukhya Sevika*' in Village Panchayats. After the advertisement, the respondents modified the condition and added that, written examination would be held along with interview. This modification was quashed by learned Single Judge of this Court in writ petition being Special Civil Application No. 7726 of 1999 decided on 05/04/2010. The result was that the selection was to be made as per the terms of the advertisement on the basis of interview only. The interviews were held by the respondents and the appellant – original petitioner could not be selected. She filed a writ petition challenging the selection process and main ground of challenge was that Rule 3(b)(2) of Notification dated 07/07/1998 filed as Annexure 'R-V' to the affidavit in reply to the petition had not been followed and suitable candidates were required to be judged on the basis of personality, education qualifications, prior experience, knowledge regarding panchayat and village development and general knowledge. The learned Single Judge has considered the arguments of the learned counsel for the petitioner and has held that the petitioner could not secure the minimum qualifying marks in respective category and therefore, was not eligible to be selected.

3. In the writ petition, it is nowhere stated as to what questions were put to her but according to the petitioner, whatever questions were asked, correct reply was given. Since, there is no dispute that questions were asked as per Rule 3(b)(2) of the

Notification and the self assessment of the petitioner that answers were correctly given, cannot be accepted.

4. For the aforesaid reasons, this appeal is devoid of merits and is liable to be dismissed and is accordingly dismissed. Parties shall bear their own costs.

Sd/-

[V. M. SAHAI, J.]

Sd/-

[G. B. SHAH, J.]

Savariya