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BEFORE THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

READ WITH

ORDER XXXVIII RULE 7, SUPREME COURT RULES, 2013

WRIT PETITION (C) NO. OF 2025

***BETWEEN**:*

DHARMESH CHANDRAKANT JANI AND OTHERS — **PETITIONERS**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENTS**

I.A No._____2025 : Application Seeking Stay

PAPER -BOOK

(FOR INDEX: KINDLY SEE INSIDE)

ADVOCATE FOR

THE PETITIONERS: **MS.MAYURI RAGHUVANSHI**

Filed On.03.04.2025

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PROFORMA FOR FIRST LISTING

SECTION:X

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: Constitution of India
- ☐ Section: Nil
- ☐ Central Rule: (Title)
- ☐ Rule No(s): _____NA_____
- ☐ State Act: (Title) _____NA_____
- ☐ Section: _____NA_____
- ☐ State Rule: (Title) _____NA_____
- ☐ Rule No(s): _____NA_____
- ☐ Impugned Interim order : (Date)____NA_____
- ☐ Impugned Final Order dated : Nil
- ☐ High Court: (Name) Nil
- ☐ Names of Judges: Nil
- ☐ Tribunal/Authority:(Name) _____N/A_____

1. Nature of Matter: **Civil**

2. (a) Petitioner/Appellant No. Dharmesh Chandrakant Jani and Others

(b) e-mail ID:_____NA_____

(c) Mobile phone No. _____NA_____

3. (a) Respondent No.1: High Court Of Gujarat And Others

(b) e-mail ID:_____NA_____

(c) Mobile phone No. _____NA_____

4. (a) Main category classification:08

(b) Sub classification: 0812

5. Not to be listed before: _____NA_____

6. a) Similar disposed of matter with citations, if any & case details: No Similar Matter Disposed

(b) Similar pending matter with case details: **No** Similar Matter Pending

7. **Criminal Matters**: **(civil)**

(a) Whether accused/convict has surrendered:

(b) FIR No. _____ Date: _____NA_____

(c) Police Station: _____NA_____

(d) Sentence Awarded: _____NA_____

(e) Period of sentence undergone including period of detention / custody undergone: _____NA____

f) Whether any earlier case between the same parties is filed _NA__

(g) Particulars of the FIR and Case__NA__

(h) Whether any bail application was preferred earlier and decision thereupon__NA__

8. **Land Acquisition Matters**: NA

(a) Date of Section 4 notification: ____NA_____

(b) Date of Section 6 notification: ___NA_____

(c) Date of Section 17 notification: _NA_____

9. **Tax Matters**: State the tax effect: _____NA_____

10. **Special Category** (First petitioner/appellant only): **NA**

□ Senior Citizen > years□ SC/ST □ Woman/ Chil

□ Disabled □ Legal Aid case □ In custody

11. Vehicle Number (in case of Motor Accident Claim matters): NA

12. Whether there was / is litigation on the same point of law, if yes, details thereof ____NA___

Date: 02/04/2025

[MAYURI RAGHUVANSHI]
Advocate on Record
Registration No: 1963
raghuvanshi.mayuri@gmail.com

SYNOPSIS

The Petitioners are currently serving as Senior Civil Judges and aspire to be promoted as District Judges against 82 vacancies notified under notifications dated 26.07.2024 issued by the Respondent no. 1.

On 18.03.2025, the Respondent No. 1 issued the impugned list of 70 Judicial Officers who were promoted to the District Judge Cadre on a regular basis (65% promotion quota from Senior Civil Judges). The Petitioners were shocked to find that they were excluded from the final list solely on the ground that they had scored less than 8 marks (i.e., below 40%) in the viva voce. This was despite the fact that they had performed exceptionally well in the other components. Notably, the Petitioners No. 3, 13 to 16, 18, and 19 had secured a perfect 20/20 in the assessment of average disposal over the last five years. The Petitioner No. 13 had obtained a total of 153.83/200 marks, whereas the highest-scoring candidate in the final list had only secured 148.17/200. Furthermore, the lowest score among the selected candidates was 102/200, which was still lower than the total marks obtained by the Petitioners. Thus, despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded only on the basis of marks awarded in viva

voce that was conducted for few minutes. Meanwhile, junior officers were promoted, bypassing the Petitioners.

Notably, the composition of the viva voce panel changed each day for all 5 days of viva voce, leading to a lack of consistency in evaluating the minimum standard, as different panellists applied subjective criteria in their assessments. In ***Ravikumar Dhansukhlal Maheta v. High Court of Gujarat, 2024 SCC OnLine SC 972*** this Hon'ble Court held that the minimum standard must be objectively assessed through a suitability test. In this regard, this Hon'ble Court suggested that:

(i) In addition to the four existing components of the Suitability Test, a fifth component in the form of an interview or viva voce should be introduced to assess candidates' ability and knowledge.

(ii) The High Court may consider increasing the minimum qualifying marks prescribed for the suitability test and each of its components.

(iii) The evaluation of judgments delivered by judicial officers under consideration for promotion should be based on the last two years, rather than just one year.

(iv) Instead of considering seniority only at the final stage of the selection process, certain marks may be allocated for seniority within the suitability test itself, and the final selection list should be prepared based on the total marks obtained.

However, instead of amending the Rules to incorporate these recommendations, the Respondent no. 1 merely introduced viva voce as a component. It is most respectfully submitted that the Respondent no. 1 could not have unilaterally altered the assessment process without amending the Rules, as explicitly directed by this Hon'ble Court. Furthermore, this Hon'ble Court had emphasized the necessity of objective assessment in evaluating candidates' suitability. Yet, due to the daily change in the viva voce panel, consistency in evaluation was compromised, as different panellists employed subjective criteria in their assessments. The final results indicate that the selection process was determined solely based on viva voce performance. It is highly improbable that the Petitioners, who have been serving as judicial officers and had scored exceptionally high marks in the second and third phases of evaluation—namely, the assessment of annual confidential reports and judgment writing—would secure only between 4 to 7 marks out of 20 in viva voce, failing to achieve even the minimum qualifying

score of 40% (i.e., 8 out of 20). The Petitioners are not fresh recruits; they have been repeatedly assessed by the Respondent no. 1 throughout their tenure. This Hon'ble Court in ***Malik Mazhar Sultan (1) v. U.P. Public Service Commission, (2006) 9 SCC 507***, directed High Courts to adopt a practical approach in promotions to the District & Sessions Judge cadre. The principle of seniority as a parameter of selection for promotion was found to be derived from the belief that competence is related to experience and that it limits the scope of discretion and favouritism. There is always an additional assumption that long-serving employees have demonstrated loyalty to the employing organization and so are entitled to reciprocal treatment. The Petitioners have had a long and unblemished career. Some of them had successfully cleared the suitability test in previous years but were not promoted at the time due to their lower rank in the seniority list compared to the promoted officers. However, in the current year, they have been denied promotion solely based on their scores in the interview.

In these circumstances, the Petitioners are seeking the benevolent indulgence of this Hon'ble Court. The facts of the case, chronologically, are as follows: -

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09.05.2005 Gujarat State Judicial Service Rules, 2005 were enacted by Respondent no. 2 in consultation with the Respondent no. 1. The method of recruitment was prescribed under Rule 5 in the following manner:

> "***5. Method of recruitment, qualification and age limit:***
>
> *(1) Recruitment to the cadre of District Judges shall be as under:-*
>
> *(I) 50 per cent by promotion from amongst the Senior Civil Judges on the basis of principle of merit-cum-seniority and passing a suitability test.*
>
> *(I) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Senior Civil Judges having not less than five years qualifying service, and*
>
> *(II) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by the High Court.*
>
> *……..*
>
> *(3) For being eligible for promotion against 50% of the total posts in the cadre*

G

of District Judges required to be filled by promotion on the basis of the principle of merit-cum-seniority, the qualifying service as Senior Civil Judge, shall not be less than two years service in the cadre."

…….

Pertinently, the promotion from amongst the Senior Civil Judges for 50% quota was prescribed to be on the basis of principle of merit-cum-seniority and passing a suitability test.

23.06.2011 Rules were amended decreasing the quota for recruitment by competitive examination to 10% and increasing the quota for promotion on seniority by 65% pursuant to ***All India Judges' Assn. v. Union of India, (2010) 15 SCC 170***. On 23.06.2011, the Respondent no. 2 amended the Gujarat State Judicial Service Rules, 2005 in consultation with the Respondent no. 1 and the percentage of recruitment under Rule 5 (I) 50% to 65%.

H

26.07.2024	Respondent no. 1 issued a notification dated 26.07.2024 advertising 82 (59 current vacancies and 23 unfilled vacancies of 10% quota of year 2023) vacancies in the cadre of District Judges (65%) by promotion from amongst the Senior Civil Judges having not less than two years of qualifying service in that cadre as on 11.06.2024. 23 unfilled vacancies of 10% quota of Year-2023 are to be filled up by regular promotion in view of judgment dated 09.12.2021 passed by the Hon'ble High Court of Gujarat in SCA/7915/2020 with SCA/13631 and 13458/2020 and by operation of proviso to Rule 5(1)(ii)of the Gujarat State Judicial Service Rules, 2005. The following five components were prescribed in the notification to assess the suitability of a Judicial Officer:

I

Sr. No.	Components of Suitability Test	Marks
1.	Written Test (Objective Type - MCQs)	100
2.	Examination and Evaluation of Annual Confidential Reports for last five years	20
3.	Assessment of Average Disposal of last five years of the Judicial Officer concerned.	20
4.	Evaluation of Judgments delivered by the Judicial Officer concerned during the period of last two years.	40
5.	Viva-voce Test	20

The selection process prescribed to be conducted in phases in the following manner:

1st Phase	1st Component - Written Test (Objective Type – MCQs) [100 Marks] shall be conducted.
2nd Phase	Next Two components i.e. Examination and Evaluation of Annual Confidential Reports for last five years and Assessment of Average Disposal of last five years of the Officer concerned, will be considered and evaluated by the Committee, of only those Judicial Officers who will qualify in the Written Test by securing Minimum 40% Marks.
3rd Phase	4th Component - Evaluation of Judgments of the Officer concerned for last two years will be considered, however, the requisite Judgments will be called for from only those Judicial Officers, who will secure Minimum 40% Marks in each Component of Written Test, ACRs and Disposals.
4th Phase	Last Component - The Viva-voce Test (20 Marks) shall be conducted of only those Judicial Officers who will secure Minimum 40% Marks in the Component of Written Test, ACRs, Disposals and Evaluation of Judgments.

26.07.2024

Respondent no. 1 along with the aforesaid notification issued list of 247 Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) for the year 2023. The Petitioners were included in the said list as follows:

Petitioner No.	Name	Placement in list
1.	Dharmesh Chandrakant Jani	159
2.	Dilipsinh Bhavsinh Gohil	29
3.	Jigneshkumar Janardhan Bhatt	33
4.	Bipinkumar Narsinhbhai Patel	44
5.	Sanat J. Panchal	50
6.	Mahendra B. Parmar	56
7.	Rajnikant Narshibhai Patel	76
8.	Parag M Shah	92
9.	Raghuvirsingh A. Zala	102
10.	H.J. Tanna	114
11.	Dhirendra Jagroopsinh Rajput	117
12.	Yunusahmed Iabalhussain Sheikh	124

13.	Daxesh R. Jaguwala	127
14.	Bhaveshbhai J. Patel	129
15.	Jagruti A. Parmar	144
16.	Mohammedsalim J. Khojjada	158
17.	Kusum Dalpatbhai Parmar	155
18.	Deepak Dabhi	157
19.	Miteshchandra Vinodkumar Patel	208
20.	A.S. Shaikh	72
21.	Mehul D. Parmar	145
22.	J.S. Panchal	136
23.	M.B. Bajpai	32
24.	R.B. Joshi	111
25.	C.K. Pipalia	139
26.	Vinaykumar Dasarathlal Modh	135
27.	A.H. Mundra	152
28.	Ronakben Surabhbhai Shah	104

24.09.2024

Respondent no. 1 issued list of 229 Judicial Officers in the Cadre of Senior Civil Judges who had obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test for Promotion to the Cadre of District Judge (65% Quota). The Petitioners qualified the written exam and therefore were included in the said list as follows:

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Petitioner No.	Name	Placement in list
1.	Dharmesh Chandrakant Jani	146
2.	Dilipsinh Bhavsinh Gohil	18
3.	Jigneshkumar Janardhan Bhatt	22
4.	Bipinkumar Narsinhbhai Patel	33
5.	Sanat J. Panchal	39
6.	Mahendra B. Parmar	45
7.	Rajnikant Narshibhai Patel	65
8.	Parag M Shah	81
9.	Raghuvirsingh A. Zala	90
10.	H.J. Tanna	102
11.	Dhirendra Jagroopsinh Rajput	105
12.	Yunusahmed Iabalhussain Sheikh	112
13.	Daxesh R. Jaguwala	115
14.	Bhaveshbhai J. Patel	117
15.	Jagruti A. Parmar	131
16.	Mohammedsalim J. Khojjada	145
17.	Kusum Dalpatbhai Parmar	142
18.	Deepak Dabhi	144
19.	Miteshchandra Vinodkumar Patel	192
20.	A.S. Shaikh	61
21.	Mehul D. Parmar	132
22.	J.S. Panchal	124
23.	M.B. Bajpai	21
24.	R.B. Joshi	99
25.	C.K. Pipalia	127
26.	Vinaykumar Dasarathlal Modh	123
27.	A.H. Mundra	139
28.	Ronakben Surabhbhai Shah	92

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17.05. 2024	In ***Ravikumar Dhansukhlal Maheta v. High Court of Gujarat, 2024 SCC OnLine SC 972***, this Hon'ble Court directed Respondent No. 1 to amend the Rules in accordance with the Uttar Pradesh Higher Judicial Service Rules, 1975. This Hon'ble Court emphasized that the minimum standard should be objectively evaluated through a suitability test, making the process more effective and result-oriented. Additionally, it mandated the inclusion of an interview or viva voce component to assess the candidates' abilities and knowledge.
27.12.2024	Respondent no. 2 amended the Gujarat State Judicial Service Rules, 2005 in consultation with the Respondent no. 1. Rule 8 was amended to specify that the minimum qualifying marks for the Viva-Voce test conducted for direct recruitment to the positions of District Judge and Civil Judge would be determined by the Selection Committee. The merit list would be prepared based on the total marks obtained in the Main Written Examination and the Viva-Voce Test. However, no

corresponding amendment was made concerning recruitment by promotion under Rule 5(1)(i). Amended Rule 8 is extracted herein below for ease of reference:

> "*(1).The Competitive Examination for Direct Recruitment to the cadre of District Judge and Civil Judge shall consist of :*
>
> *(i) Preliminary Examination*
>
> *(ii) Main Written Examination*
>
> *(iii) Viva-voce Test*
>
> *such examinations will be conducted as per the syllabus, marking pattern, qualifying standard/ criteria, etc. as decided by the Selection Committee from time to time.*
>
> …….
>
> ***(3) The minimum qualifying marks in the Viva-voce test conducted for direct recruitment to the cadre of District Judge and Civil Judge, shall be decided by the Selection Committee.***
>
> ***(4) Merit list shall be prepared on the basis of total marks obtained in Main Written Examination and Viva-Voce Test.*"**

12.02.2025 List of 198 Judicial Officers in the Senior Civil Judge Cadre who secured the minimum qualifying marks in four components—Written

	Test, Annual Confidential Report, Average Assessment of Disposal, and Evaluation of Judgments—was released. The Petitioners having secured the minimum qualifying marks were included in the list at serial no. 120, 8, 12, 22, 25, 30, 47, 57, 66, 76, 79, 86, 89, 91, 105, 119, 116, 118, 163, 44, 106, 98, 11, 73, 101, 97, 113 and 67 respectively and were called to appear for the Viva-Voce Test for promotion to the District Judge Cadre (65% quota).
25.02.2025 27.02.2025 28.02.2025 01.03.2025 03.03.2025	Viva-Voce was conducted by Respondent no.1
18.03.2025	Respondent No. 1 issued a list of 70 Judicial Officers who were promoted to the District Judge Cadre on a regular basis (65% promotion quota from Senior Civil Judges). The Petitioners were shocked to find that they were excluded from the final list solely on the ground that they had scored less than 8 marks (i.e., below 40%) in the viva voce. This was despite the fact that they had

performed exceptionally well in the other components. Notably, Petitioners No. 3, 13 to 16, 18, and 19 had secured a perfect 20/20 in the assessment of average disposal over the last five years. The Petitioner No. 13 had obtained a total of 153.83/200 marks, whereas the highest-scoring candidate in the final list had only secured 148.17/200. Furthermore, the lowest score among the selected candidates was 102/200, which was still lower than the total marks obtained by the Petitioners. The marks obtained by the Petitioners and Respondents are presented in the tables below for ease of reference. It is apparent despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded only on the basis of marks awarded in viva voce that was conducted for few minutes. Meanwhile, junior officers were promoted, bypassing the Petitioners. Notably, the composition of the viva voce panel changed each

day for all 5 days of viva voce, leading to a lack of consistency in evaluating the minimum standard, as different panellists applied subjective criteria in their assessments.

A. Marks obtained by the Petitioners

S.NO.	NAME OF THE PETITIONER	MARKS OBTAINED IN WRITTEN TEST (OUT OF 100 MARKS)	EXAMINATION & EVALUATION OF ACRS FOR LAST 5 YEARS (OUT OF 20 MARKS)	ASSESSMENT OF AVERAGE DISPOSAL OF LAST 5 YEARS (OUT OF 20 MARKS)	EVALUATION OF JUDGMENTS (OUT OF 40 MARKS)	MARKS OBTAINED IN VIVA-VOCE TEST (OUT OF 20 MARKS)	TOTAL MARKS OBTAINED (OUT OF 200 MARKS)
1.	DHARMESH CHANDRAKANT JANI	46	12	10	30	4.67	102.67
2.	DILIPSINH BHAVSINH GOHIL	77	15.50	16	23	7	138.50
3.	JIGNESHKUMAR JANARDHAN BHATT	53	18.50	20	23	6.33	120.83

R

4.	**BIPINKUMAR NARSINHBHAI PATEL**	**51**	**19**	**15**	**19**	**6.67**	**110.67**
5.	**SANAT J. PANCHAL**	**71**	**17.50**	**18**	**17.50**	**7**	**131**
6.	**MAHENDRA B. PARMAR**	**58**	**12**	**15**	**22.50**	**5.33**	**112.83**
7.	**RAJNIKANT NARSHIBHAI PATEL**	**55**	**12.50**	**13**	**18**	**6.67**	**105.17**
8.	**PARAG M SHAH**	**58**	**15.50**	**15**	**25**	**6.33**	**119.83**
9.	**RAGHUVIRSINGH A. ZALA**	**56**	**15.50**	**19**	**18**	**4.33**	**112.83**
10.	**H.J. TANNA**	**61**	**17.50**	**18**	**31**	**6**	**133.50**
11.	**DHIRENDRA JAGROOPSINH RAJPUT**	**55**	**14.50**	**15**	**29**	**6**	**119.50**
12.	**YUNUSAHMED IABALHUSSAIN SHEIKH**	**61**	**13.50**	**18**	**21**	**4.33**	**117.83**
13.	**DAXESH R. JAGUWALA**	**80**	**16**	**20**	**31.50**	**6.33**	**153.83**
14.	**BHAVESHBHAI J. PATEL**	**54**	**18**	**20**	**20.50**	**6.33**	**118.83**
15.	**JAGRUTI A. PARMAR**	**63**	**17.50**	**20**	**33**	**6.67**	**140.17**
16.	**MOHAMMEDSALI M J. KHOJJADA**	**44**	**14**	**20**	**26**	**6**	**110**
17.	**KUSUM DALPATBHAI PARMAR**	**49**	**10.50**	**9**	**29**	**6.33**	**103.83**
18.	**DEEPAK DABHI**	**51`**	**16**	**20**	**25**	**5.33**	**117.33**

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19.	**MITESHCHANDRA VINODKUMAR PATEL**	**43**	**16.50**	**20**	**27**	**6.33**	**112.83**
20.	**A.S. SHAIKH**	**64**	**17**	**18**	**23**	**5.67**	**127.67**
21.	**MEHUL D. PARMAR**	**50**	**14**	**16**	**31**	**6.33**	**117.33**
22.	**J.S. PANCHAL**	**56**	**12.50**	**13**	**28**	**6.33**	**115.83**
23.	**MAHESH BENIMADHAV BAJPAI**	**44**	**18**	**17**	**24**	**5**	**108**
24.	**R.B. JOSHI**	**59**	**17.50**	**16**	**20**	**5.67**	**118.17**
25.	**C.K. PIPALIA**	**55**	**18**	**18**	**35**	**6.33**	**130.33**
26.	**VINAYKUMAR DASARATHLAL MODH**	**59**	**16**	**19**	**28.50**	**5.67**	**128.17**
27.	**A.H. MUNDRA**	**43**	**14.50**	**18**	**24**	**6.67**	**106.17**
28.	**RONAKBEN SURABHBHAI SHAH**	**58**	**12.50**	**12**	**24**	**6.33**	**112.83**

B. marks obtained by the Respondents

Respondent no.	Respondent Name	Total Marks
3.	H.S.Dave	**116**
4.	H.D.Pandit	**102**
5.	R.J.Mirani	**108.50**
6.	D.R.Vyas	**127.67**
7.	M.R.Nadpara	**140**
8.	G.J.Thoria	**132.83**
9.	A.N.Vora	**131.17**
10.	H.R.Shah	**138.50**
11.	V.V.Mondhe	**136.17**

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12.	A.S.Pande	**137.50**
13.	Sushil B.Bhatt	**124**
14.	M.H.Chauhan	**124.07**
15.	Mukeshbhai M.Parmar	**107.99**
16.	H.A.Bhutwala	**124.50**
17.	K.N.Prajapati	**138**
18.	V.A.Dhadhal	**131.50**
19.	Mahammadirfan Abdulrazakbhai Shaikh	**103.67**
20.	S.G.Dodiya	**129.83**
21.	P.N.Navin	**122.50**
22.	Ankur Naginbhai Patel	**135.50**
23.	S.M.Govani	**128.17**
24.	R.R.Patel	**148.17**
25.	B.K.Dasondi	**143.33**
26.	D.P.Purohit	**139.50**
27.	S.M.Christy	**130.50**
28.	Jitendrakumar S. Prajapati	**116.83**
29.	R.A.Agrawal	**126.67**
30.	S.P.Mehta	**135.50**
31.	P.P.Patel	**133.50**
32.	D.S.Thakar	**141.33**
33.	T.J.Devada	**115.50**
34.	P.V. Bhatt	**136.33**
35.	T.N.Khandhadiya	**131.83**
36.	J.V.Patel	**128.50**
37.	R.D. Maheta	**141.83**
38.	V.G. Rana	**140.17**
39.	H.S. Patel	**124**
40.	R.G. Yadav	**114.83**
41.	B.H. Ghasura	**129.33**
42.	S.M. Kamdar	**137.83**
43.	Bharti K. Jadav	**120.67**
44.	Hemu Pritesh Patel	**129**
45.	C.N. Desai	**142**

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46.	J.G. Damodra	**118.50**
47.	H.G. Damodra	**116.67**
48.	V.S. Gadhavi	**118**
49.	A.J. Makwana	**136**
50.	Parasangbhai J. Chaudhary	**120.66**
51.	M.R. Thakkar	**112.33**
52.	A.R. Rana	**107.17**
53.	K.I. Bagga	**109.50**
54.	D.B. Rajan	**134.17**
55.	R.V. Chavda	**101.17**
56.	S.R. Sangani	**138.67**
57.	R.V. Raje	**126.33**
58.	P.J. Kayastha	**130.33**
59.	C.J. Patel	**130.50**
60.	Jinal Vasantbhai Shah	**106.83**
61.	Namrata P. Unadkat	**130.33**
62.	P.L. Das	**125.33**
63.	Chitra Ratnoo	**108.50**
64.	R.B. Gadhvi	**141.50**
65.	R.L. Jadega	**126.33**
66.	A.P. Randhir	**134.83**
67.	Rajender Singh	**133.33**
68.	L.D. Wagh	**129.17**
69.	Rinku Rajesh Desai	**128.67**
70.	A.K. Kaushik	**134.83**
71.	J.Z. Mehta	**133**
72.	M.J. Khan	**125.67**

25.03.2025
26.03.2025

Petitioners no. 3, 4, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 23 and 26 had submitted representations before Respondent no. 1

	raising the grievances regarding allotment of marks in viva voce.
26.03.2025	Respondent no. 2 recommended the 70 Judicial officers promoted on regular basis, to the cadre of District Judges (65% by promotion from Senior Civil Judges).
27.03.2025	Respondent no. 1 passed resolution no. GSJA/R/2025/07 for induction training for the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01.04.2025 to 20.04.2025 at the Gujarat State Judicial Academy.
02.04.2025	Hence the present Writ Petition has been filed.

BEFORE THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
READ WITH
ORDER XXXVIII RULE 7, SUPREME COURT RULES, 2013

WRIT PETITION (CIVIL) NO. _____ OF 2025

1.	DHARMESH CHANDRAKANT JANI, PRESENTLY POSTED AS CHIEF JUDICIAL MAGISTRATE, GODHRA		PETITIONER NO. 1
2.	DILIPSINH BHAVSINH GOHIL PRESENTLY POSTED AS ADDITIONAL SENIOR CIVIL JUDGE, DEVBHUMI DWARKA		PETITIONER NO. 2
3.	JIGNESHKUMAR JANARDHAN BHATT, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE & ADDL. CHIEF JUDICIAL MAGISTRATE, VADODARA.		PETITIONER NO. 3
4.	BIPINKUMAR NARSINHBHAI PATEL PRESENTLY POSTED AS PRINCIPLE SENIOUR CIVIL JUDGE & A.C.J.M, TA.SIDHPUR, DIST.PATAN. GUJARAT		PETITIONER NO. 4
5.	SANAT PANCHAL PRESENTLY POSTED AS ADDL. CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		PETITIONER NO. 5
6.	MAHENDRA B. PARMAR, PRESENTLY POSTED AS PRINCIPAL SR. CIVIL JUDGE & ACJM, GANDHIDHAM, KUTCHH		PETITIONER NO. 6

7.	RAJNIKANT NARSHIBHAI PATEL PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT ANJAR, KACHCHH		PETITIONER NO. 7
8.	PARAG M SHAH, PRESENTLY POSTED AS 3RD ADDL.SR.CIVIL, JUDGE AND ACJM, VADODARA.		PETITIONER NO. 8
9.	RAGHUVIRSINGH A. ZALA, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE & ADDL. CHIEF JUDICIAL MAGISTRATE NAKHATRANA DIST.KACHCHH.		PETITIONER NO. 9
10.	H.J. TANNA PRESENTLY POSTED AS PRINCIPAL SR. CIVIL JUDGE & ACJM, MUNDRA, KUTCHH		PETITIONER NO. 10
11.	DHIRENDRA JAGROOPSINH RAJPUT, PRESENTLY POSTED AS CHIEF JUDICIAL MAGISTRATE COURT, GANDHINAGAR.		PETITIONER NO. 11
12.	YUNUSAHMED IABALHUSSAIN SHEIKH, PRESENTLY POSTED AS PRINCIPAL SR. CIVIL JUDGE & ACJM, DHANDHUKA, AHMEDABAD (RURAL)		PETITIONER NO. 12
13.	DAXESH R. JAGUWALA, PRESENTLY POSTED AS 5TH ADDL. SR. CIVIL JUDGE & ACJM, RAJKOT		PETITIONER NO. 13
14.	BHAVESHBHAI J. PATEL, PRESENTLY POSTED AS		PETITIONER NO. 14

	PRINCIPAL SENIOR CIVIL JUDGE, & ADDL. CHIEF JUDI. MAGI., VAPI		
15.	JAGRUTI A. PARMAR, PRESENTLY POSTED AS 5TH ADDL. SENIOR CIVIL JUDGE & ADDL.CHIEF JUDICIAL MAGISTRATE, VADODARA		PETITIONER NO. 15
16.	MOHAMMEDSALIM J. KHOJJADA, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE, & A. C. J. M., MEGHRAJ		PETITIONER NO. 16
17.	KUSUM DALPATBHAI PARMAR PRESENTLY POSTED AS 6TH SR. CIVIL JUDGE & ACJM, VADODARA		PETITIONER NO. 17
18.	DEEPAK DABHI, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE BHACHAU-KACHCHH		PETITIONER NO. 18
19.	MITESHCHANDRA VINODKUMAR PATEL, PRESENTLY POSTED AS CHIEF JUDICIAL MAGISTRATE CHHOTA UDEPUR		PETITIONER NO. 19
20.	A.S. SHAIKH PRESENTLY POSTED AS CHIEF JUDICIAL MAGISTRATE, VADODAR+A		PETITIONER NO. 20
21.	MEHUL D. PARMAR, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE & ADDL CJM, AT GANDHIDHAM, DIST. KUTCH.		PETITIONER NO. 21
22.	J.S. PANCHAL PRESENTLY		PETITIONER NO. 22

	POSTED AS PRINCIPAL SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE, OLPAD, DIST. SURAT.		
23.	M.B. BAJPAI PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE, LIMBDI, DIST. SURENDRANAGA		PETITIONER NO. 23
24.	R. B. JOSHI PRESENTLY POSTED AS SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SANAND, AHMEDABAD (RURAL)		PETITIONER NO. 24
25.	C.K. PIPALIA, PRESENTLY POSTED AS 2ND ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDHINAGAR		PETITIONER NO. 25
26.	VINAYKUMAR DASARATHLAL MODH, PRESENTLY POSTED AS PRINCIPAL SENIOR CIVIL JUDGE, VALSAD		PETITIONER NO. 26
27.	A.H. MUNDRA, PRESENTLY POSTED AS CHIEF JUDICIAL MAGISTRATE ANAND		PETITIONER NO. 27
28.	RONAKBEN SURABHBHAI SHAH, PRESENTLY POSTED AS SENIOR CIVIL JUDGE, PORBANDAR		PETITIONER NO. 28
AND			
1.	HIGH COURT OF GUJARAT, THROUGH REGISTRAR SARKHEJ -GANDHINAGAR HWY, SOLA, AHMEDABAD, GUJARAT 380060		RESPONDENT NO. 1

2.	GOVERNMENT OF GUJARAT THROUGH ITS CHIEF SECRETARY, 5TH FLOOR, BLOCK NO. 1, SARDAR BHAVAN SACHIVALAYA, GANDHINAGAR, GUJARAT		RESPONDENT NO. 2
3.	H.S.DAVE, PRINCIPAL SENIOR CIVIL JUDGE, BHAVNAGAR		RESPONDENT NO. 3
4.	H.D.PANDIT, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SAVARKUNDLA, DIST. AMRELI		RESPONDENT NO. 4
5.	R.J.MIRANI PRINCIPAL SENIOR CIVIL JUDGE, JUNAGADH		RESPONDENT NO. 5
6.	D.R.VYAS, PRINCIPAL SENIOR CIVIL JUDGE, SURENDRANAGAR		RESPONDENT NO. 6
7.	M.R.NADPARA, PRINCIPAL SENIOR CIVIL JUDGE, SURAT		RESPONDENT NO. 7
8.	G.J.THORIA, JUDGE, LABOUR COURT (SENIOR DIVISION), SURAT		RESPONDENT NO. 8
9.	A.N.VORA, CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 9
10.	H.R.SHAH, CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, BHAVNAGAR		RESPONDENT NO. 10
11.	V.V.MONDHE, PRINCIPAL SENIOR CIVIL JUDGE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALOL, DIST.PANCHMAHALS		RESPONDENT NO. 11
12.	A.S.PANDE, CHIEF JUDGE,		RESPONDENT NO. 12

	SMALL CAUSES COURT, AHMEDABAD		
13.	SUSHIL B.BHATT, JUDGE, LABOUR COURT (SENIOR DIVISION), BHAVNAGAR		RESPONDENT NO. 13
14.	M.H.CHAUHAN, ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDHIDHAM, DIST.KACHCHH		RESPONDENT NO. 14
15.	MUKESHBHAI M.PARMAR, CHIEF JUDICIAL MAGISTRATE ADDITIONAL SENIOR CIVIL LUNAVADA, DIST.MAHISAGAR		RESPONDENT NO. 15
16.	H.A.BHUTWALA, JUDGE, LABOUR COURT (SENIOR DIVISION), AHMEDABAD		RESPONDENT NO. 16
17.	K.N.PRAJAPATI, 5TH ADDITIONAL CHIEF MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 17
18.	V.A.DHADHAL, 6TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 18
19.	MAHAMMADIRFAN ABDULRAZAKBHAI SHAIKH, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDHIDHAM, DSIT.KACHCHH		RESPONDENT NO. 19
20.	S.G.DODIYA, 7TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 20
21.	P.N.NAVIN, 8TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE,		RESPONDENT NO. 21

	AHMEDABAD CITY		
22.	ANKUR NAGINBHAI PATEL, CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, BOTAD		RESPONDENT NO. 22
23.	S.M.GOVANI, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KATHOR, DIST.SURAT		RESPONDENT NO. 23
24.	R.R.PATEL, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SANAND, DIST.AHMEDABAD (RURAL)		RESPONDENT NO. 24
25.	B.K.DASONDI, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT		RESPONDENT NO. 25
26.	D.P.PUROHIT, PRINCIPAL SENIOR CIVIL JUDGE, GANDHINAGAR		RESPONDENT NO. 26
27.	S.M.CHRISTY, 3RD ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, JAMNAGAR		RESPONDENT NO. 27
28.	JITENDRAKUMAR S. PRAJAPATI, 3RD ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT		RESPONDENT NO. 28
29.	R.A.AGRAWAL, 10TH ADDITIONAL CHIEF CITY JUDICIAL MAGISTRATE, AHMEDABAD		RESPONDENT NO. 29
30.	S.P.MEHTA, 3RD ADDITIONAL		RESPONDENT NO. 30

	SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT		
31.	P.P.PATEL, 12TH ADDITIONAL CHIEF CITY JUDICIAL MAGISTRATE, AHMEDABAD		RESPONDENT NO. 31
32.	D.S.THAKAR, 4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT		RESPONDENT NO. 32
33.	T.J.DEVADA, 4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD (RURAL)		RESPONDENT NO. 33
34.	P.V. BHATT, DEPUTY SECRETARY, LEGAL DEPARTMENT, GANDHINAGAR		RESPONDENT NO. 34
35.	T.N.KHANDHADIYA, 5TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT		RESPONDENT NO. 35
36.	J.V.PATEL, CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, VYARA, DIST.TAPI		RESPONDENT NO. 36
37.	R.D. MAHETA, DEPUTY SECRETARY, LEGAL DEPARTMENT, GANDHINAGAR		RESPONDENT NO. 37
38.	V.G. RANA, ASSISTANT DIRECTOR, GUJARAT STATE JUDICIAL ACADEMY, AHMEDABAD		RESPONDENT NO. 38
39.	H.S. PATEL, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE,		RESPONDENT NO. 39

	JHAGADIA, DIST. BHARUCH		
40.	R.G. YADAV, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KALOL, DIST.PANCHMAHALS		RESPONDENT NO. 40
41.	B.H. GHASURA, 5TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD (RURAL)		RESPONDENT NO. 41
42.	S.M. KAMDAR, 4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, JAMNAGAR		RESPONDENT NO. 42
43.	BHARTI K. JADAV, 15TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 43
44.	HEMU PRITESH PATEL, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BHUJ, DIST.KACHCHH		RESPONDENT NO. 44
45.	C.N. DESAI, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KAPADVANJ, DIST. KHEDA		RESPONDENT NO. 45
46.	J.G. DAMODRA, PRINCIPAL SENIOR CIVIL JUDGE, GODHRA, DIST.PANCHMAHALS		RESPONDENT NO. 46
47.	H.G. DAMODRA, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KESHOD, DIST.JUNAGADH		RESPONDENT NO. 47

48.	V.S. GADHAVI, PROJECT OFFICER (PROGRAMME PUBLICATION), GUJARAT STATE LEGALE SERVICES AUTHORITY, AHMEDABAD		RESPONDENT NO. 48
49.	A.J. MAKWANA, 17TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 49
50.	PARASANGBHAI J. CHAUDHARY,, 18TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 50
51.	M.R. THAKKAR, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDEVI, DIST.NAVSARI		RESPONDENT NO. 51
52.	A.R. RANA, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SANTRAMPUR, DIST.MAHISAGAR		RESPONDENT NO. 52
53.	K.I. BAGGA, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KHERALU, DIST.MAHESANA		RESPONDENT NO. 53
54.	D.B. RAJAN, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BODELI, DIST.CHHOTAUDEPUR		RESPONDENT NO. 54
55.	R.V. CHAVDA, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BAYAD, DIST.ARVALLI		RESPONDENT NO. 55

56.	S.R. SANGANI, 24TH ADDITIONAL CHIEF CITY JUDICIAL MAGISTRATE, AHMEDABAD		RESPONDENT NO. 56
57.	R.V. RAJE, 25TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 57
58.	P.J. KAYASTHA, 7TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT		RESPONDENT NO. 58
59.	C.J. PATEL, ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALOL, DIST.PANCHMAHALS		RESPONDENT NO. 59
60.	JINAL VASANTBHAI SHAH, 10TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT		RESPONDENT NO. 60
61.	NAMRATA P. UNADKAT, JUDGE, SMALL CAUSE COURT, AHMEDABAD		RESPONDENT NO. 61
62.	P.L. DAS, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GODHRA, DIST.PANCHMAHALS		RESPONDENT NO. 62
63.	CHITRA RATNOO, FULL TIME SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, ANAND		RESPONDENT NO. 63
64.	R.B. GADHVI, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KADI, DIST.		RESPONDENT NO. 64

	MAHESANA		
65.	R.L. JADEGA, PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DHARI, DIST.AMRELI		RESPONDENT NO. 65
66.	A.P. RANDHIR, CHIEF JUDICIAL MAGISTRATE ADDITIONAL & SENIOR CIVIL JUDGE, VERAVAL, DIST.GIR SOMNATH		RESPONDENT NO. 66
67.	RAJENDER SINGH, 29TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY		RESPONDENT NO. 67
68.	L.D. WAGH, PRINCIPAL SENIOR CIVIL JUDGE, PALANPUR, DIST.BANASKANTHA		RESPONDENT NO. 68
69.	RINKU RAJESH DESAI, JUDGE, LABOUR COURT (SENIOR DIVISION), BHARUCH		RESPONDENT NO. 69
70.	A.K. KAUSHIK, CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, PALANPUR, DIST.BANASKANTHA		RESPONDENT NO. 70
71.	J.Z. MEHTA, FULL TIME SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, VYARA, DIST.TAPI		RESPONDENT NO. 71
72.	M.J. KHAN, 2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE MORBI		RESPONDENT NO.72

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

TO
HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIP'S COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION
OF THE PETITIONERS ABOVE NAMED:

MOST RESPECTFULLY SHEWETH:

1. That the present petition is being filed under Article 32 of the Constitution of India seeking the following prayers:

   1.1 To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) directing the Respondent no. 1 to consider the Petitioners for appointment against 82 vacancies as advertised by the Respondent no. 1 in notification dated 26.07.2024;

   1.2 To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the list issued on 18.03.2025 by the Respondent no. 1 promoting 70 Judicial officers to the cadre of District Judges under 65% quota;

   1.3 To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the notification dated 26.03.2025

issued by the Respondent no. 2 appointing the 70 Judicial officers, to the cadre of District Judges under 65% quota.

1.4 To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the resolution no. GSJA/R/2025/07 dated 27.03.2025 for induction training of the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01.04.2025 to 20.04.2025 at the Gujarat State Judicial Academy.

2. That the Petitioners are currently serving as Senior Civil Judges and are seeking promotion as District Judges against 82 vacancies notified under notifications dated 26.07.2024 was issued by the Respondent no. 1.

3. That the Respondent no. 1 – Hon'ble High Court of Gujarat. The Respondent no. 2 is the State Government of Gujarat and issued the notification dated 26.03.2025 appointing the 70 Judicial officers to the cadre of District Judges (65% by promotion from Senior Civil Judges). The Respondent no. 3 to 72 are the 70 Judicial officers promoted to the cadre of District Judges (65% by promotion from Senior Civil Judges) by the Respondent no. 1 and 2 and therefore are the necessary parties to the present petition as they may be affected by the outcome of the present petition.

FACTUAL BACKGROUND

4. That the facts of the case, chronologically, are as under: -

4.1. On 09.05.2005, Gujarat State Judicial Service Rules, 2005 were framed prescribing the method of recruitment under Rule 5 as follows:

> "***5. Method of recruitment, qualification and age limit:***
>
> *(1) Recruitment to the cadre of District Judges shall be as under:-*
>
> *(I) 50 per cent by promotion from amongst the Senior Civil Judges on the basis of principle of merit-cum-seniority and passing a suitability test.*
>
> *(I) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Senior Civil Judges having not less than five years qualifying service, and*
>
> *(II) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by the High Court.*
>
> *……..*
>
> *(3) For being eligible for promotion against 50% of the total posts in the cadre of District Judges required to be filled by promotion on the basis of the principle of merit-cum-seniority, the qualifying service as Senior Civil Judge, shall not be less than two years service in the cadre."*

Pertinently, the promotion from amongst the Senior Civil Judges for 50% quota was prescribed to be on the basis of principle of merit-cum-seniority and passing a suitability test. True copy of the Gujarat State Judicial Service Rules, 2005 is marked and annexed hereto as **ANNEXURE: P-1. (Pages 101-114)**

4.2. In the year 2011, Rules were amended decreasing the quota for recruitment by competitive examination to 10% and increasing the quota for promotion on seniority by 65% pursuant to ***All India Judges' Assn. v. Union of India, (2010) 15 SCC 170***. On 23.06.2011, the Respondent no. 2 amended the Gujarat State Judicial Service Rules, 2005 in consultation with the Respondent no. 1 and the percentage of recruitment under Rule 5 (I) 50% to 65%. True copy of the amended Gujarat State Judicial Service Rules, 2005 is marked and annexed hereto as **ANNEXURE: P-2.** **(Pages 115-117)**

4.3. The Respondent no. 1 issued a notification dated 26.07.2024 advertising 82 (59 current vacancies and 23 unfilled vacancies of 10% quota of year 2023) vacancies in the cadre of District Judges (65%) by promotion from amongst the Senior Civil Judges having not less than two years of qualifying service in that cadre as on 11.06.2024. 23 unfilled vacancies of 10% quota of Year-2023 are to be filled up by regular promotion in view of judgment dated 09.12.2021 passed by the Hon‘ble High Court of Gujarat in SCA/7915/2020 with SCA/13631 and 13458/2020 and by operation of proviso to Rule 5(1)(ii)of the Gujarat State Judicial Service Rules, 2005. The following five components were

prescribed in the notification to assess the suitability of a Judicial Officer:

Sr. No.	Components of Suitability Test	Marks
1.	Written Test (Objective Type - MCQs)	100
2.	Examination and Evaluation of Annual Confidential Reports for last five years	20
3.	Assessment of Average Disposal of last five years of the Judicial Officer concerned.	20
4.	Evaluation of Judgments delivered by the Judicial Officer concerned during the period of last two years.	40
5.	Viva-voce Test	20

4.4. The selection process prescribed to be conducted in phases in the following manner:

1st Phase	1st Component - Written Test (Objective Type – MCQs) [100 Marks] shall be conducted.
2nd Phase	Next Two components i.e. Examination and Evaluation of Annual Confidential Reports for last five years and Assessment of Average Disposal of last five years of the Officer concerned, will be considered and evaluated by the Committee, of only those Judicial Officers who will qualify in the Written Test by securing Minimum 40% Marks.
3rd Phase	4th Component - Evaluation of Judgments of the Officer concerned for last two years will be considered, however, the requisite Judgments will be called for from only those Judicial Officers, who will secure Minimum 40% Marks in each Component of Written Test, ACRs and Disposals.
4th Phase	Last Component - The Viva-voce Test (20 Marks) shall be conducted of only those Judicial Officers who will secure Minimum 40% Marks in the Component of Written Test, ACRs, Disposals and Evaluation of Judgments.

True copy of the notification dated 26.07.2024 issued by the Respondent no. 1 is marked and annexed hereto as **ANNEXURE: P-3. (Pages 118-121)**

4.5. The Respondent no. 1 along with the aforesaid notification issued list of 247 Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) for the year 2023. The Petitioners were included in the said list as follows:

Petitioner No.	Name	Placement in list
1.	Dharmesh Chandrakant Jani	159
2.	Dilipsinh Bhavsinh Gohil	29
3.	Jigneshkumar Janardhan Bhatt	33
4.	Bipinkumar Narsinhbhai Patel	44
5.	Sanat J. Panchal	50
6.	Mahendra B. Parmar	56
7.	Rajnikant Narshibhai Patel	76
8.	Parag M Shah	92
9.	Raghuvirsingh A. Zala	102
10.	H.J. Tanna	114
11.	Dhirendra Jagroopsinh Rajput	117
12.	Yunusahmed Iabalhussain Sheikh	124

13.	Daxesh R. Jaguwala	127
14.	Bhaveshbhai J. Patel	129
15.	Jagruti A. Parmar	144
16.	Mohammedsalim J. Khojjada	158
17.	Kusum Dalpatbhai Parmar	155
18.	Deepak Dabhi	157
19.	Miteshchandra Vinodkumar Patel	208
20.	A.S. Shaikh	72
21.	Mehul D. Parmar	145
22.	J.S. Panchal	136
23.	M.B. Bajpai	32
24.	R.B. Joshi	111
25.	C.K. Pipalia	139
26.	Vinaykumar Dasarathlal Modh	135
27.	A.H. Mundra	152
28.	Ronakben Surabhbhai Shah	104

True copy of the list of 247 judicial officers dated 26.07.2024 is marked and annexed hereto as **ANNEXURE: P-4. (Pages 122-130)**

4.6. On 24.09.2024, the Respondent no. 1 issued list of 229 Judicial Officers in the Cadre of Senior Civil Judges who had obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test for Promotion to the Cadre of District Judge (65% Quota). The

Petitioners qualified the written exam and therefore were included in the said list as follows:

Petitioner No.	Petitioner Name	Placement in list
1.	Dharmesh Chandrakant Jani	146
2.	Dilipsinh Bhavsinh Gohil	18
3.	Jigneshkumar Janardhan Bhatt	22
4.	Bipinkumar Narsinhbhai Patel	33
5.	Sanat J. Panchal	39
6.	Mahendra B. Parmar	45
7.	Rajnikant Narshibhai Patel	65
8.	Parag M Shah	81
9.	Raghuvirsingh A. Zala	90
10.	H.J. Tanna	102
11.	Dhirendra Jagroopsinh Rajput	105
12.	Yunusahmed Iabalhussain Sheikh	112
13.	Daxesh R. Jaguwala	115
14.	Bhaveshbhai J. Patel	117
15.	Jagruti A. Parmar	131
16.	Mohammedsalim J. Khojjada	145
17.	Kusum Dalpatbhai Parmar	142
18.	Deepak Dabhi	144
19.	Miteshchandra Vinodkumar Patel	192
20.	A.S. Shaikh	61
21.	Mehul D. Parmar	132

22.	J.S. Panchal	124
23.	M.B. Bajpai	21
24.	R.B. Joshi	99
25.	C.K. Pipalia	127
26.	Vinaykumar Dasarathlal Modh	123
27.	A.H. Mundra	139
28.	Ronakben Surabhbhai Shah	92

True copy of the list of 229 judicial officers is marked and annexed hereto as **ANNEXURE: P-5. (Pages 131-138)**

4.7. On 17.05. 2024, in ***Ravikumar Dhansukhlal Maheta v. High Court of Gujarat, 2024 SCC OnLine SC 972***, this Hon'ble Court directed Respondent No. 1 to amend the Rules in accordance with the Uttar Pradesh Higher Judicial Service Rules, 1975. This Hon'ble Court emphasized that the minimum standard should be objectively evaluated through a suitability test, making the process more effective and result-oriented. Additionally, it mandated the inclusion of an interview or viva voce component to assess the candidates' abilities and knowledge. On 27.12.2024, the Respondent no. 2 amended the Gujarat State Judicial Service Rules, 2005 in consultation with the Respondent no. 1. Rule 8 was amended to specify that the minimum qualifying marks for the Viva-Voce test conducted for direct recruitment to the positions of

District Judge and Civil Judge would be determined by the Selection Committee. The merit list would be prepared based on the total marks obtained in the Main Written Examination and the Viva-Voce Test. However, no corresponding amendment was made concerning recruitment by promotion under Rule 5(1)(i). Amended Rule 8 is extracted herein below for ease of reference:

> *—1(). The Competitive Examination for Direct Recruitment to the cadre of District Judge and Civil Judge shall consist of :*
>
> *(i) Preliminary Examination*
>
> *(ii) Main Written Examination*
>
> *(iii) Viva-voce Test*
>
> *such examinations will be conducted as per the syllabus, marking pattern, qualifying standard/ criteria, etc. as decided by the Selection Committee from time to time.*
>
> *……..*
>
> ***(3) The minimum qualifying marks in the Viva-voce test conducted for direct recruitment to the cadre of District Judge and Civil Judge, shall be decided by the Selection Committee.***
>
> ***(4) Merit list shall be prepared on the basis of total marks obtained in Main Written Examination and Viva-Voce Test.*"**

True copy of the Gujarat State Judicial Service (4th Amendment) Rules, 2024 is marked and annexed hereto as **ANNEXURE: P-6.**

(Pages 139-143)

4.8. On 12.02.2025, a list of 198 Judicial Officers in the Senior Civil Judge Cadre who secured the minimum qualifying marks in four components—Written Test, Annual Confidential Report, Average Assessment of Disposal, and Evaluation of Judgments—was released. The Petitioners having secured the minimum qualifying marks were included in the list at serial no. 120, 8, 12, 22, 25, 30, 47, 57, 66, 76, 79, 86, 89, 91, 105, 119, 116, 118, 163, 44, 106, 98, 11, 73, 101, 97, 113 and 67 respectively and were called to appear for the Viva-Voce Test for promotion to the District Judge Cadre (65% quota). The Viva-Voce Test was scheduled on 25.02.2025, 27.02.2025, 28.02.2025. 01.03.2025 and 03.03.2025. True copy of the list dated 12.02.2025 issued by the Respondent no. 1 is marked and annexed hereto as **ANNEXURE: P-7. (Pages 144-149)**

4.9. On 18.03.2025, the Respondent No. 1 issued a list of 70 Judicial Officers who were promoted to the District Judge Cadre on a regular basis (65% promotion quota from Senior Civil Judges). The Petitioners were shocked to find that they were excluded from the final list solely on the ground that they had scored less than 8 marks (i.e., below 40%) in the viva voce. This was despite the fact that they had performed exceptionally well in the other components. Notably, Petitioners No. 3, 13 to 16, 18, and 19 had

secured a perfect 20/20 in the assessment of average disposal over the last five years. The Petitioner No. 13 had obtained a total of 153.83/200 marks, whereas the highest-scoring candidate in the final list had only secured 148.17/200. Furthermore, the lowest score among the selected candidates was 102/200, which was still lower than the total marks obtained by the Petitioners. The marks obtained by the Petitioners and Respondents are presented in the tables below for ease of reference. It is apparent despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded only on the basis of marks awarded in viva voce that was conducted for few minutes. Meanwhile, junior officers were promoted, bypassing the Petitioners. Notably, the composition of the viva voce panel changed each day for all 5 days of viva voce, leading to a lack of consistency in evaluating the minimum standard, as different panellists applied subjective criteria in their assessments.

A. Marks obtained by the Petitioners

S.NO.	NAME OF THE PETITIONER	MARKS OBTAINED IN	EXAMINATION & EVA	ASSESSMENT OF AVE	EVALUATION OF JUD	MARKS OBTAINED IN VIVA-	TOTAL MARKS OBTAINED (OUT

		WRITTEN TEST (OUT OF 100 MARKS)	LUATION OF ACRS FOR LAST 5 YEARS (OUT OF 20 MARKS)	RAGE DISPOSAL OF LAST 5 YEARS (OUT OF 20 MARKS)	GMENTS (OUT OF 40 MARKS)	VOCE TEST (OUT OF 20 MARKS)	OF 200 MARKS)
1.	**DHARMESH CHANDRAKANT JANI**	**46**	**12**	**10**	**30**	**4.67**	**102.67**
2.	**DILIPSINH BHAVSINH GOHIL**	**77**	**15.50**	**16**	**23**	**7**	**138.50**
3.	**JIGNESHKUMAR JANARDHAN BHATT**	**53**	**18.50**	**20**	**23**	**6.33**	**120.83**
4.	**BIPINKUMAR NARSINHBHAI PATEL**	**51**	**19**	**15**	**19**	**6.67**	**110.67**
5.	**SANAT J. PANCHAL**	**71**	**17.50**	**18**	**17.50**	**7**	**131**
6.	**MAHENDRA B. PARMAR**	**58**	**12**	**15**	**22.50**	**5.33**	**112.83**
7.	**RAJNIKANT NARSHIBHAI PATEL**	**55**	**12.50**	**13**	**18**	**6.67**	**105.17**
8.	**PARAG M SHAH**	**58**	**15.50**	**15**	**25**	**6.33**	**119.83**
9.	**RAGHUVIRSINGH**	**56**	**15.50**	**19**	**18**	**4.33**	**112.83**

	A. ZALA						
10.	**H.J. TANNA**	**61**	**17.50**	**18**	**31**	**6**	**133.50**
11.	**DHIRENDRA JAGROOPSINH RAJPUT**	**55**	**14.50**	**15**	**29**	**6**	**119.50**
12.	**YUNUSAHMED IABALHUSSAIN SHEIKH**	**61**	**13.50**	**18**	**21**	**4.33**	**117.83**
13.	**DAXESH R. JAGUWALA**	**80**	**16**	**20**	**31.50**	**6.33**	**153.83**
14.	**BHAVESHBHAI J. PATEL**	**54**	**18**	**20**	**20.50**	**6.33**	**118.83**
15.	**JAGRUTI A. PARMAR**	**63**	**17.50**	**20**	**33**	**6.67**	**140.17**
16.	**MOHAMMEDSALIM J. KHOJJADA**	**44**	**14**	**20**	**26**	**6**	**110**
17.	**KUSUM DALPATBHAI PARMAR**	**49**	**10.50**	**9**	**29**	**6.33**	**103.83**
18.	**DEEPAK DABHI**	**51`**	**16**	**20**	**25**	**5.33**	**117.33**
19.	**MITESHCHANDRA VINODKUMAR PATEL**	**43**	**16.50**	**20**	**27**	**6.33**	**112.83**
20.	**A.S. SHAIKH**	**64**	**17**	**18**	**23**	**5.67**	**127.67**
21.	**MEHUL D. PARMAR**	**50**	**14**	**16**	**31**	**6.33**	**117.33**
22.	**J.S. PANCHAL**	**56**	**12.50**	**13**	**28**	**6.33**	**115.83**
23.	**MAHESH BENIMADHAV BAJPAI**	**44**	**18**	**17**	**24**	**5**	**108**
24.	**R.B. JOSHI**	**59**	**17.50**	**16**	**20**	**5.67**	**118.17**

25.	**C.K. PIPALIA**	**55**	**18**	**18**	**35**	**6.33**	**130.33**
26.	**VINAYKUMAR DASARATHLAL MODH**	**59**	**16**	**19**	**28.50**	**5.67**	**128.17**
27.	**A.H. MUNDRA**	**43**	**14.50**	**18**	**24**	**6.67**	**106.17**
28.	**RONAKBEN SURABHBHAI SHAH**	**58**	**12.50**	**12**	**24**	**6.33**	**112.83**

B. marks obtained by the Respondents

Respondent no.	Respondent Name	Total Marks
3.	H.S.Dave	**116**
4.	H.D.Pandit	**102**
5.	R.J.Mirani	**108.50**
6.	D.R.Vyas	**127.67**
7.	M.R.Nadpara	**140**
8.	G.J.Thoria	**132.83**
9.	A.N.Vora	**131.17**
10.	H.R.Shah	**138.50**
11.	V.V.Mondhe	**136.17**
12.	A.S.Pande	**137.50**
13.	Sushil B.Bhatt	**124**
14.	M.H.Chauhan	**124.07**
15.	Mukeshbhai M.Parmar	**107.99**
16.	H.A.Bhutwala	**124.50**
17.	K.N.Prajapati	**138**
18.	V.A.Dhadhal	**131.50**
19.	Mahammadirfan Abdulrazakbhai Shaikh	**103.67**
20.	S.G.Dodiya	**129.83**
21.	P.N.Navin	**122.50**
22.	Ankur Naginbhai Patel	**135.50**
23.	S.M.Govani	**128.17**
24.	R.R.Patel	**148.17**
25.	B.K.Dasondi	**143.33**
26.	D.P.Purohit	**139.50**
27.	S.M.Christy	**130.50**

28.	Jitendrakumar S. Prajapati	**116.83**
29.	R.A.Agrawal	**126.67**
30.	S.P.Mehta	**135.50**
31.	P.P.Patel	**133.50**
32.	D.S.Thakar	**141.33**
33.	T.J.Devada	**115.50**
34.	P.V. Bhatt	**136.33**
35.	T.N.Khandhadiya	**131.83**
36.	J.V.Patel	**128.50**
37.	R.D. Maheta	**141.83**
38.	V.G. Rana	**140.17**
39.	H.S. Patel	**124**
40.	R.G. Yadav	**114.83**
41.	B.H. Ghasura	**129.33**
42.	S.M. Kamdar	**137.83**
43.	Bharti K. Jadav	**120.67**
44.	Hemu Pritesh Patel	**129**
45.	C.N. Desai	**142**
46.	J.G. Damodra	**118.50**
47.	H.G. Damodra	**116.67**
48.	V.S. Gadhavi	**118**
49.	A.J. Makwana	**136**
50.	Parasangbhai J. Chaudhary	**120.66**
51.	M.R. Thakkar	**112.33**
52.	A.R. Rana	**107.17**
53.	K.I. Bagga	**109.50**
54.	D.B. Rajan	**134.17**
55.	R.V. Chavda	**101.17**
56.	S.R. Sangani	**138.67**
57.	R.V. Raje	**126.33**
58.	P.J. Kayastha	**130.33**
59.	C.J. Patel	**130.50**
60.	Jinal Vasantbhai Shah	**106.83**
61.	Namrata P. Unadkat	**130.33**
62.	P.L. Das	**125.33**
63.	Chitra Ratnoo	**108.50**
64.	R.B. Gadhvi	**141.50**
65.	R.L. Jadega	**126.33**
66.	A.P. Randhir	**134.83**
67.	Rajender Singh	**133.33**
68.	L.D. Wagh	**129.17**

69.	Rinku Rajesh Desai	**128.67**
70.	A.K. Kaushik	**134.83**
71.	J.Z. Mehta	**133**
72.	M.J. Khan	**125.67**

True copy of the final result showing marks obtained by the Petitioner no. 1 is marked and annexed hereto as **ANNEXURE: P-8. (Page 150)** True copy of the final result showing marks obtained by the Petitioner no. 2 is marked and annexed hereto as **ANNEXURE: P-9. (Page 151)** True copy of the final result showing marks obtained by the Petitioner no. 3 is marked and annexed hereto as **ANNEXURE: P-10. (Page 152)** True copy of the final result showing marks obtained by the Petitioner no. 4 is marked and annexed hereto as **ANNEXURE: P-11. (Page 153)** True copy of the final result showing marks obtained by the Petitioner no. 5 is marked and annexed hereto as **ANNEXURE: P-12. (Page 154)** True copy of the final result showing marks obtained by the Petitioner no. 6 is marked and annexed hereto as **ANNEXURE: P-13. (Page 155)** True copy of the final result showing marks obtained by the Petitioner no. 7 is marked and annexed hereto as **ANNEXURE: P-14. (Page 156)** True copy of the final result showing marks obtained by the Petitioner no. 8 is marked and annexed hereto as **ANNEXURE: P-15. (Page 157)**

True copy of the final result showing marks obtained by the Petitioner no. 9 is marked and annexed hereto as **ANNEXURE: P-16. (Page 158)** True copy of the final result showing marks obtained by the Petitioner no. 10 is marked and annexed hereto as **ANNEXURE: P-17. (Page 159)** True copy of the final result showing marks obtained by the Petitioner no. 11 is marked and annexed hereto as **ANNEXURE: P-18. (Page 160)** True copy of the final result showing marks obtained by the Petitioner no. 12 is marked and annexed hereto as **ANNEXURE: P-19. (Page 161)** True copy of the final result showing marks obtained by the Petitioner no. 13 is marked and annexed hereto as **ANNEXURE: P-20. (Page 162)** True copy of the final result showing marks obtained by the Petitioner no. 14 is marked and annexed hereto as **ANNEXURE: P-21. (Page 163)** True copy of the final result showing marks obtained by the Petitioner no. 15 is marked and annexed hereto as **ANNEXURE: P-22. (Page 164)** True copy of the final result showing marks obtained by the Petitioner no. 16 is marked and annexed hereto as **ANNEXURE: P-23. (Page 165)** True copy of the final result showing marks obtained by the Petitioner no. 17 is marked and annexed hereto as **ANNEXURE: P-24. (Page 166)** True copy of the final result showing marks

obtained by the Petitioner no. 18 is marked and annexed hereto as **ANNEXURE: P-25. (Page 167)** True copy of the final result showing marks obtained by the Petitioner no. 19 is marked and annexed hereto as **ANNEXURE: P-26. (Page 168)** True copy of the final result showing marks obtained by the Petitioner no. 20 is marked and annexed hereto as **ANNEXURE: P-27. (Page 169)** True copy of the final result showing marks obtained by the Petitioner no. 21 is marked and annexed hereto as **ANNEXURE: P-28. (Page 170)** True copy of the final result showing marks obtained by the Petitioner no. 22 is marked and annexed hereto as **ANNEXURE: P-29. (Page 171)** True copy of the final result showing marks obtained by the Petitioner no. 23 is marked and annexed hereto as **ANNEXURE: P-30. (Page 172)** True copy of the final result showing marks obtained by the Petitioner no. 24 is marked and annexed hereto as **ANNEXURE: P-31. (Page 173)** True copy of the final result showing marks obtained by the Petitioner no. 25 is marked and annexed hereto as **ANNEXURE: P-32. (Page 174)** True copy of the final result showing marks obtained by the Petitioner no. 26 is marked and annexed hereto as **ANNEXURE: P-33. (Page 175)** True copy of the final result showing marks obtained by the Petitioner no. 27 is marked and

annexed hereto as **ANNEXURE: P-34. (Page 176)** True copy of the final result showing marks obtained by the Petitioner no. 28 is marked and annexed hereto as **ANNEXURE: P-35. (Page 177)** True copy of the list dated 18.03.2025 issued by the Respondent no. 1 is marked and annexed hereto as **ANNEXURE: P-36. (Pages 178-180)**

4.10. On 25.03.2025 and 26.03.2025 the Petitioners no. 3, 4, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 23 and 26 had submitted representations before Respondent no. 1 raising the grievances regarding allotment of marks in viva voce. True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 3 is marked and annexed hereto as **ANNEXURE: P-37. (Pages 181-187)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 4 is marked and annexed hereto as **ANNEXURE: P-38. (Pages 188-195)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 5 is marked and annexed hereto as **ANNEXURE: P-39. (Pages 196-204)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 7 is marked and annexed hereto as **ANNEXURE: P-40. (Pages 205-212)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 9 is

marked and annexed hereto as **ANNEXURE: P-41. (Pages 213-220)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 8 is marked and annexed hereto as **ANNEXURE: P-42. (Pages 221-224)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 11 is marked and annexed hereto as **ANNEXURE: P-43 (Pages 225-232)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 13 is marked and annexed hereto as **ANNEXURE: P-44. (Pages 233-239)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 14 is marked and annexed hereto as **ANNEXURE: P-45. (Pages 240-246)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 15 is marked and annexed hereto as **ANNEXURE: P-46. (Pages 247-252)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no.16 is marked and annexed hereto as **ANNEXURE: P-47. (Pages 253-260)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 17 is marked and annexed hereto as **ANNEXURE: P-48. (Pages 261-268)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 18 is marked and annexed hereto as **ANNEXURE: P-49. (Pages 269-**

276) True copy of the representation dated 26.03.2025 submitted by the Petitioner no. 19 is marked and annexed hereto as **ANNEXURE: P-50. (Pages 277-282)** True copy of the representation dated 25.03.2025 submitted by the Petitioner no. 23 is marked and annexed hereto as **ANNEXURE: P-51. (Pages 283-290)** True copy of the representation dated 26.03.2025 submitted by the Petitioner no. 26 is marked and annexed hereto as **ANNEXURE: P-52. (Pages 291-298)**

4.11. The Respondent no. 2 on 26.03.2025 appointing the 70 Judicial officers to the cadre of District Judges (65% by promotion from Senior Civil Judges). True copy of the Notification dated 26.03.2025 issued by the Respondent no. 2 is marked and annexed hereto as **ANNEXURE: P-53. (Pages 299-302)**

4.12. Thereafter on 27.03.2025, the Respondent no. 1 passed resolution no. GSJA/R/2025/07 for induction training for the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01.04.2025 to 20.04.2025 at the Gujarat State Judicial Academy. True copy of the resolution no. GSJA/R/2025/07 dated 27.03.2025 issued by the Respondent no. 1

is marked and annexed hereto as **ANNEXURE: P-54. (Pages 303-309)**

5. That the present petition is being filed under Article 32 of the Constitution, as this Hon'ble Court earlier in ***Ravikumar Dhansukhlal Maheta v. High Court of Gujarat, 2024 SCC OnLine SC 972*** held that wherever the facts of the case are not in dispute, and the issue involves the interpretation of rules which are of significant importance having a far-reaching effect, it would be a fit case for this Hon'ble Court to exercise its discretion and entertain the writ petition under Article 32 even if there is an alternative remedy available and entertained the Writ Petition filed by the Judicial Officers that involved interpretation of the of the Gujarat Judicial Services Rules, 2005.

6. That in these circumstances, the present writ petition is being filed on the following grounds amongst other:-

Grounds

7.1. Because there was a lack of consistency in evaluating the minimum standard as different panellists applied subjective criteria in their assessments. In ***Ravikumar Dhansukhlal Maheta (supra),*** this Hon'ble Court extensively discussed and clarified the true meaning of the 'Merit-cum-Seniority' principle in the context of Rule 5(1) of the 2005 Rules.

This Hon‘ble Court held that the minimum standard must be objectively assessed through a suitability test. However, Respondent No. 1 neither amended the Rules nor fully incorporated the suggestions made by this Hon‘ble Court. Instead, it merely introduced viva voce as the fifth component to assess suitability, which was only one of the recommendations. Furthermore, this Hon‘ble Court had emphasized the necessity of objective assessment in evaluating candidates' suitability. Yet, due to the daily change in the viva voce panel, consistency in evaluation was compromised, as different panelists employed subjective criteria in their assessments. As a result, despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded, while officers junior to them were promoted, thereby superseding them. It is, therefore, most respectfully submitted that the assessment of suitability by the Respondent no.1 was contrary to the spirit of the directions laid down in ***Ravikumar Dhansukhlal Maheta (supra)*** and warrants interference by this Hon‘ble Court.

7.2. Because viva voce cannot be the sole determining element of the appointment of the candidates. The Petitioners were excluded from the final list solely on the ground that they had scored less than 8 marks (i.e., below 40%) in the viva voce. This was despite the fact that they had

performed exceptionally well in the other components. Notably, Petitioners No. 3, 13 to 16, 18, and 19 had secured a perfect 20/20 in the assessment of average disposal over the last five years. Petitioner No. 13 had obtained a total of 153.83/200 marks, whereas the highest-scoring candidate in the final list had only secured 148.17/200. Furthermore, the lowest score among the selected candidates was 102/200, which was still lower than the total marks obtained by the Petitioners. Surprisingly, all the Petitioners were only allotted marks between 4 -7 out of 20 in the viva voce. It is apparent that despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded only on the basis of marks awarded in viva voce that was conducted for few minutes. Meanwhile, junior officers were promoted, bypassing the Petitioners. Notably, the composition of the viva voce panel changed during the process, leading to a lack of consistency in evaluating the minimum standard, as different panellists applied subjective criteria in their assessments and thus the entire selection effectively hinged only on the viva voce. [***Sanjay Singh v. U.P. Public Service Commission, (2007) 3 SCC 720 and Pranav Verma v. High Court of P&H, (2020) 15 SCC 377***]

7.3. Because the final results indicate that the selection process was determined solely based on viva voce performance. It is highly

improbable that the Petitioners, who have been serving as judicial officers and had scored exceptionally high marks in the second and third phases of evaluation—namely, the assessment of annual confidential reports and judgment writing—would secure only between 4 to 7 marks out of 20 in viva voce, failing to achieve even the minimum qualifying score of 40% (i.e., 8 out of 20). The Petitioners are not fresh recruits; they have been repeatedly assessed by the High Court throughout their tenure.

7.4. Because the principle of 'Merit-cum-Seniority,' as stipulated in Rule 5(1) of the 2005 Rules, mandates an assessment of the minimum necessary standard of suitability for promotion. Officers seeking promotion under the 65% quota are required to meet an objectively determinable minimum standard of suitability. Once a candidate meets this threshold, they cannot be denied promotion. The introduction of a suitability test in the regular promotional category was intended solely to assess this minimum standard and was not meant to create a competitive ranking system. Accordingly, this Hon'ble Court has consistently held that a candidate's performance in the suitability test is not directly proportional to their overall merit. The weightage given to seniority in the regular promotional category was not intended to be diminished, except for the introduction of the suitability test, which considers multiple factors such as knowledge of law, quality of judgments, Annual Confidential Reports (ACRs), and the

candidate's efficiency during their tenure. In ***Malik Mazhar Sultan (1) v. U.P. Public Service Commission, (2006) 9 SCC 507***, this Hon'ble Court directed High Courts to adopt a practical approach in promotions to the District & Sessions Judge cadre. The Court further held that the 65% promotion quota should be filled based on the principle of 'Seniority-cum-Merit' and emphasized that seniority must play a predominant role in promotions from Civil Judge (Senior Division) to District & Sessions Judge.

7.5. Because the assessment of suitability conducted by Respondent No. 1 is contrary to the directions issued by this Hon'ble Court in ***Ravikumar Dhansukhlal Maheta (supra).*** This Hon'ble Court expressly directed Respondent No. 1 to amend its Rules in accordance with the Uttar Pradesh Higher Judicial Service Rules, 1975, and emphasized that the minimum standard should be objectively assessed through a suitability test designed to be more effective and result-oriented. In this regard, this Hon'ble Court suggested that:

(i) in addition to the four existing components of the Suitability Test, a fifth component in the form of an interview or viva voce should be introduced to assess candidates' ability and knowledge.

(ii) The High Court may consider increasing the minimum qualifying marks prescribed for the suitability test and each of its components.

(iii) The evaluation of judgments delivered by judicial officers under consideration for promotion should be based on the last two years, rather than just one year;

(iv) Instead of considering seniority only at the final stage of the selection process, certain marks may be allocated for seniority within the suitability test itself, and the final selection list should be prepared based on the total marks obtained.

However, instead of amending the Rules to incorporate these recommendations, the High Court merely introduced viva voce as a component. It is most respectfully submitted that the High Court could not have unilaterally altered the assessment process without amending the Rules, as explicitly directed by this Hon'ble Court.

7.6. Because, in ***Umesh Chandra Shukla v. Union of India,* (*1985) 3 SCC 721***, this Hon'ble Court has held that the recruitment of persons other than District Judges to the Judicial Service must be conducted in accordance with Article 234 of the Constitution, as per Rules framed by the Governor in consultation with the High Court. While Article 235

vests the High Court with control over the District Courts and subordinate courts, it does not confer the power to frame rules governing the recruitment process for persons other than District Judges, as this matter is expressly covered under Article 234. Consequently, the Selection Committee lacks the authority to prescribe or modify the minimum qualifying marks in viva voce beyond what is already stipulated in the Rules.

7.7. Because the principle of seniority as a parameter of selection for promotion was found to be derived from the belief that competence is related to experience and that it limits the scope of discretion and favouritism. There is always an additional assumption that long-serving employees have demonstrated loyalty to the employing organization and so are entitled to reciprocal treatment. Thus, this Hon‘ble Court in ***Ravikumar Dhansukhlal Maheta (supra)*** held that legislature or the executive may decide the method for filling vacancies to promotional posts based on the nature of employment and the functions that the candidate will be expected to discharge. It is submitted that in the present matter, the Petitioners were not promoted on account of scoring less marks in viva voce, despite scoring exceptionally well in the other components. Pertinently, the panellists for viva voce were different for all four days thus leading to a lack of consistency in evaluating the minimum

standard, as different panellists applied subjective criteria in their assessments. This led to violation of rights guaranteed to the Petitioners under Article 16 of the Constitution.

7.8. Because the applicability of the 'Merit-cum-Seniority' principle to promotions within an organization ultimately depends on the statutory rules, if any, or the promotional policy governing such an organization. In the present case, the applicable Rules did not originally provide for a viva voce component in promotions under the 65% promotional quota. Consequently, this Hon'ble Court directed Respondent No. 1 to amend the Rules to incorporate viva voce as a component of the selection process. Even the amended Rules did not include any amendment pertaining to the selection of judicial officers in 65% quota before the initiation of selection process. It is most respectfully submitted that Respondent No. 1 could not have unilaterally introduced a new component without first amending the Rules, as doing so would be in contravention of established legal principles. This position has been upheld by this Hon'ble Court in ***Umesh Chandra Shukla v. Union of India,*** **(1985) 3 SCC 721;** ***Durgacharan Mishra v. State of Orissa,*** **(1987) 4 SCC 646;** ***B.S. Yadav v. State of Haryana,*** **AIR 1981 SC 561;** ***Dr. Krushna Chandra Sahu & Ors. v. State of Orissa & Ors.,*** **(1995) 6**

SCC 1; and *Ramesh Kumar v. High Court of Delhi & Another*, AIR 2010 SC 3714.

7.9. Because the selection mechanism adopted by the Selection Committee lacked objectivity. The viva voce process was not audio-video recorded, thereby failing to ensure transparency. While promotions under the 65% quota were to be granted based on a suitability test that should have considered the performance of Judicial Officers over the past five years, the selection process disproportionately emphasized the viva voce stage. As a result, Judicial Officers such as the Petitioners—who had been awarded "outstanding" remarks in their annual confidential reports by Respondent No. 1 and had maintained an unblemished career—were excluded from promotion, while junior officers were promoted, thereby superseding them. This Hon'ble Court has consistently reiterated that the principle of 'Seniority-cum-Merit' entails only one requirement: once a candidate meets the minimum prescribed merit, promotion must be strictly based on seniority among those who fulfill the requisite merit criteria.

7.10. Because The Petitioners have had a long and unblemished career. Some of them had successfully cleared the suitability test in previous years but were not promoted at the time due to their lower rank in the seniority list

compared to the promoted officers. However, in the current year, they have been denied promotion solely based on their scores in the interview.

8. That the Petitioners have not filed any other Petition before this Hon'ble Court, any High Court or any other forums seeking similar relief.

PRAYER

It is therefore, respectfully prayed that this Hon'ble Court may be pleased:

i) To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) directing the Respondent no. 1 to consider the Petitioners for appointment against 82 vacancies as advertised by the Respondent no. 1 in notification dated 26.07.2024;

ii) To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the list issued on 18.03.2025 by the Respondent no. 1 promoting 70 Judicial officers to the cadre of District Judges under 65% quota;

iii) To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the notification dated 26.03.2025 issued by the Respondent no. 2 appointing the 70 Judicial officers, to the cadre of District Judges under 65% quota.

iv) To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the resolution no. GSJA/R/2025/07

dated 27.03.2025 for induction training of the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01.04.2025 to 20.04.2025 at the Gujarat State Judicial Academy.

v) To pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONERS SHALL AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:



(MAYURI RAGHUVANSHI)

ADVOCATE FOR THE PETITIONERS

FILED ON.02.04.2025

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF:

MR. DHARMESH CHANDRAKANT JANI AND OTHERS — **PETITIONERS**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENTS**

AFFIDAVIT

I, Dharmesh Chandrakant Jani S/o Chandrakant Jani aged about 49 years, presently posted as Chief Judicial Magistrate, Godhra, do hereby solemnly affirm and state as under:-

1. That I am the Petitioner No.1 and am well conversant with the facts and circumstances of the case and am competent to swear to this affidavit on behalf of the all petitioners.
2. That I have read the accompanying list of dates, writ petition and interlocutory applications and have understood the same and the same have been drawn by my advocate under my instructions.
3. That the writ petition including grounds is consisting paragraphs 1 to 8, pages 1 to 44 is comprising of list of dates; pages B to V is comprising of the writ petition with affidavit, annexures, and interlocutory applications.
4. That the facts stated in the writ petition, list of dates, and interlocutory applications are true to my knowledge and belief.
5. That the annexures annexed to the list of dates are true copies of their respective originals.

DEPONENT

NOTARY D. H. SADHWANI STATE OF GUJ. REG. NO. 1084 EXP. DT. 7-1-2026 GOVERNMENT OF INDIA

INDETIFIED BY ADVOCATE Monarch K Pandya Code no:- 11437

VERIFICATION:

VERIFIED that the statements made above are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

VERIFIED at A'bad on the 1st day of April, 2025.

DEPONENT

SR.NO. 2573/2025
SOLEMNLY AFFIRMED BEFORE ME
D.H.SADHWANI NOTARY
DATE 1-4-2025

ગુજરાત હાઇકોર્ટ
THE HIGH COURT OF GUJARAT

IDENTITY CARD



Name : MR. DHARMESH CHANDRAKANT JANI

Designation : Senior Civil Judge



Registrar General
High Court of Gujarat

NOTARY
D. H. SADHWANI
STATE OF GUJ.
REG. NO. 1084
EXP. DT. 7-1-2026
GOVERNMENT OF INDIA

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APPENDIX-1

2024 SCC OnLine SC 972

In the Supreme Court of India

(BEFORE DR D.Y. CHANDRACHUD, C.J. AND J.B. PARDIWALA AND MANOJ MISRA, JJ.)

Ravikumar Dhansukhlal Maheta and Another ... Petitioner(s);

Versus

High Court of Gujarat and Others ... Respondent(s).

Writ Petition (C) No. 432 of 2023

Decided on May 17, 2024

The Judgment of the Court was delivered by

J.B. PARDIWALA, J.:— For the convenience of exposition, this judgment is divided in the following parts:—

INDEX

A. FACTUAL MATRIX
i. Method of Promotion followed by the High Court of Gujarat
B. REFERENCE ORDER
C. SUBMISSIONS ON BEHALF OF THE PETITIONERS
D. SUBMISSIONS ON BEHALF OF THE HIGH COURT
E. SUBMISSIONS ON BEHALF OF THE PROMOTED CANDIDATES
F. POINTS FOR DETERMINATION
G. ANALYSIS
i. Maintainability of the present Writ Petition under Article 32
ii. The Legislative History and Scheme of the Gujarat State Judicial Service Rules, 2005
a. Shetty Commission on Judicial Reforms and the Decision of this Court in All India Judges' Association (3)
b. Relevant Statutory Provisions of the Gujarat State Judicial Service Rules, 2005
iii. Evolution of the Principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' in Service Jurisprudence
a. Concept of Promotion : The meaning and origin of seniority and merit as parameters.
b. Principle of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' in Service Jurisprudence
c. 'Hybrid-Dynamic Mode of Promotion' in Service

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Jurisprudence
d. High Court as a custodian of the District Judiciary under Article 235 of the Constitution
iv. What is 'Merit-cum-Seniority' for the purpose of Promotion to the cadre of District & Sessions Judges?
a. Intention behind the decision in *All India Judges' Association (3)*
H. FEW SUGGESTIONS TO MAKE THE SUITABILITY TEST MORE MEANINGFUL
I. CONCLUSION

1. Two judicial officers of the rank of Civil Judge (Senior Division) governed by the Gujarat State Judicial Service Rules, 2005 (for short, the "2005 Rules") have invoked the jurisdiction of this Court under Article 32 of the Constitution. Their grievance against the High Court of Gujarat is that it erroneously applied the principle of 'Seniority-cum-Merit' in the recruitment undertaken by it in the year 2022 for promotion of Civil Judges (Senior Division) to the post of Additional District Judge against 65% quota, though Rule 5(1) of the 2005 Rules stipulates that the promotion shall be based on the principle of 'Merit-cum-Seniority'. In other words, it is contended that the High Court wrongly subjected all eligible candidates in the feeder cadre i.e., Civil Judge (Senior Division) to a process of assessment of a specified level of minimum merit and then proceeded to prepare the final Select List strictly in accordance with the seniority of the candidates. This according to the petitioners is nothing but 'Seniority-cum-Merit'.

A. FACTUAL MATRIX

2. The High Court of Gujarat issued an advertisement/recruitment notice dated 12.04.2022 notifying a total of 68 vacancies in the cadre of District Judges for promotion of Civil Judges (Senior Division) against the 65% quota on the basis of 'Merit-cum-Seniority' and passing a Suitability Test as envisaged under Rule 5(1)(I) of the 2005 Rules. The said advertisement/recruitment notice reads as under : -

"HIGH COURT OF GUJARAT AT SOLA,

AHMEDABAD

Website : www.gujarathighcourt.nic.in *AND*
https://hcojas.gujarat.gov.in

NO. RC/1250/2022

RECRUITMENT NOTICE - DISTRICT JUDGE (65%)

PROMOTION TO THE CADRE OF DISTRICT JUDGE (65%) FROM AMONGST THE SENIOR CIVIL JUDGES ON THE BASIS OF PRINCIPLE OF MERIT-CUM-SENIORITY AND PASSING A SUITABILITY TEST.

1. VACANCIES AND PAY-SCALE:

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(i) In view of the guidelines of the Hon'ble Supreme Court in the case of Malik Mazhar Sultan *v.* UP Public Service Commission and The Gujarat State Judicial Service Rules, 2005, as amended from time to time, The High Court of Gujarat has decided to fill up 68 (53+15) vacancies in the cadre of District Judges (65%) by promotion from amongst us the Senior Civil Judges (including ad-hoc Additional District Judges) having not less than two years of qualifying service in that cadre as on 25/03/2022, in the pay-scale of Rs. 51650-63260 plus Allowances as admissible under the Rules.

*15 unfilled vacancies of 10% quota of year-2020 are to be filled up by regular promotion in view of Judgment dated 09.12.2021 of the High Court of Gujarat (Coram : - Honourable Ms. Justice Sonia Gokani and Honourable Mr. Justice Rajendra M. Sareen delivered in SCA/7915/2020 with SCA/13631 & 13458/2020 and by operation of proviso to Rule 5(1)(ii) of the Gujarat State Judicial Service Rules, 2005 amended by Notification dated 23.06.2011.

(ii) The High Court reserves its right to alter the number of vacancies.

(iii) The List showing eligible Senior Civil Judges (including adhoc Additional District Judges) included in the zone of consideration for being considered for promotion to the cadre of District Judges (65%) is placed on the High Court website and HC-OJAS Portal along with this Notice.

2. SCHEME FOR PROMOTION:

Following are the Four Components for assessing the suitability of a Judicial Officer for promotion.

Sr. No	Components of Suitability Test	Marks
1.	Written Test (Objective Type - MCQs)	100
2.	Examination and Evaluation of Annual Confidential Reports for last five years	20
3.	Assessment of Average Disposal of last five years of the Judicial Officer concerned.	20
4.	Evaluation of Judgments delivered by the Judicial Officer concerned during the period of last one year. *	60

* Due to unprecedented time of COVID-19 pandemic in Year 2020 & 2021, the Subordinate Courts in the state were not functioning regularly. Hence, this time round, the Hon'ble Committee has decided for the instant Promotion Process to call upon the requisite Four Judgments rendered by the Officer

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concerned during the period between 01/01/2020 to 31/12/2021. However, this should not be treated as a precedent in upcoming Promotion Process.

3. Written Test (Objective Type - MCQs):

(i) The Written Test (Objective Type - MCQs) shall consist of 01 (One) Paper of 100 Marks of duration of 02 Hours consisting of Objective Type Multiple Choice Questions (MCQs) each of 01 Mark. There will be no Negative marking system. The subject would be as under:

Sr. No	Subject	Marks
1.	Legal Knowledge [Detailed Syllabus attached herewith at Annexure-'A']	50
2.	Administrative Knowledge [GCS Rules, 2002, Civil Manual, Criminal Manual, etc.]	25
3.	General Knowledge & Aptitude Test [Test of Reasoning, Numerical & Mental Ability & Psychological Test, etc.]	25

(ii) The Written Test (Objective Type - MCQs) shall be conducted on OMR Sheet or by any other mode that would be decided by the High Court later on.*

**The OMR Sheets of the Written Test (Objective Type - MCQs) will be assessed/evaluated by the Computer as per entries made on OMR Sheet. As the evaluation is being done on the Computer by Scanning, there is no human intervention and hence, queries relating to rechecking of the OMR Sheets, subsequent to the Written Test (Objective Type - MCQs), will not be entertained by the High Court*

(iii) The Language of the Question Paper will be English.

(iv) Out of the abovementioned Four Components of Suitability Test, the Written Test (Objective Type - MCQs) will be conducted first. Nonetheless mere passing of Written Test (Objective Type - MCQs) by the Judicial Officers would not give him/her right of having secured the position in the Select List. It will be subject to passing of other 03 (Three) components as well.

(v) ACR, Disposal and Judgments of only those Judicial Officers who will secure minimum 40% Marks in Written Test (Objective Type - MCQs), will be called for after the declaration of the result of Written Test (Objective Type - MCQs).

4. ELIGIBILITY FOR PROMOTION:

The Judicial Officer, who obtains minimum 40% Marks in each Component and minimum 50% Marks in aggregate in the Grand

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Total of all Four Components, shall be eligible for being included in the Select List for promotion.

5. GENERAL INSTRUCTIONS:

(i) The date and venue of the Written Test (Objective Type - MCQs) will be declared by the High Court in due course.

(ii) The eligible Judicial Officers may download their E-call letter from the High Court websites viz. www.gujarathighcourt.nic.in *and* https://hc-ojas.gujarat.gov.in*, as and when the same is made available by the High Court on the aforesaid websites.*

(iii) The Judicial Officer attending the Written Test (Objective Type - MCQs) may be treated as on duty and may be admissible for TA/DA as applicable.

(iv) Result of the Written Test (Objective Type - MCQs) will be made available on the High Court websites and/or by any other mode that may be decided by the High Court.

(v) The Marks of Written Test (Objective Type - MCQs) would be communicated to all the Judicial Officers, whereas, the Marks of other 03 Components along-with the Total Marks obtained by the concerned, would be provided to only those who qualify in the Written Test (Objective Type - MCQs).

Such Marks shall be communicated by providing a link to a webpage on the HC-OJAS Portal with individual password (OTP - One Time Password) via SMS on his/her Registered Mobile Number, after the conclusion of the Selection Process

High Court of Gujarat,

Sola, Ahmedabad - 380 060.

Date : 12/04/2022

Sd/- Registrar

(Recruitment and Finance)

Syllabus For the LEGAL KNOWLEDGE of the Written Test (Objective Type - MCQs):

(a) →The Constitution of India

→ The Civil Procedure Code, 1908,

→ The Transfer of Property Act, 1882,

→ The Specific Relief Act, 1963,

→ The Indian Partnership Act, 1932,

→ The Indian Contract Act, 1872,

→ The Sale of Goods Act, 1930,

→ The Limitation Act, 1963,

→ The Arbitration and Conciliation Act, 1996,

→ The Motor Vehicles Act, 1988,

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→ *The Commercial Courts Act, 2015*

→ *The Family Courts Act, 1984*,

→ *The Environment (Protection) Act, 1986*,

→ *The Wild Life (Protection) Act, 1972*,

→ *The Penal Code, 1860*,

→ *The Criminal Procedure Code, 1973*,

→ *The Indian Evidence Act, 1872*,

→ *The Narcotic Drugs & Psychotropic Substances Act, 1985*,

→ *The Negotiable Instruments Act, 1881*,

→ *The Protection of Children from Sexual Offence Act, 2012*,

→ *The Juvenile Justices (Care & Protection of Children) Act, 2015*,

→ *The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*,

→ *The Prevention of Corruption Act, 1988*

→ *The Electricity Act, 2003*,

→ *The Protection of Women from Domestic Violence Act, 2005*

→ *The Immoral Traffic (Prevention) Act, 1956*

→ *The Information Technology Act, 2000*

→ *The Indecent Representation of Women (Prohibition) Act, 1986*

(b) Legal Maxims

(c) Medical Jurisprudence

(d) Jurisprudence and Legal Phraseology"

3. The High Court along with the aforesaid advertisement/recruitment notice, also issued a list of 205 judicial officers in the cadre of Civil Judge (Senior Division) i.e., the feeder cadre, falling under the 'Zone of Consideration' for the aforesaid purpose of filling up the vacancies in the cadre of District Judges as against 65% quota.

4. The High Court prepared the list of 205 candidates falling within the zone of consideration by including the senior-most Civil Judges (Senior Division) not exceeding three-times the notified vacancies. In other words, the zone of consideration only included the 205 senior-most Civil Judges (Senior Division).

5. As per the advertisement/recruitment notice dated 12.04.2022, the suitability of the aforesaid 205 candidates falling within the zone of consideration, for the purpose of promotion, was to be assessed on the basis of four components which are being reproduced hereunder : -

Sr. No.	*Components of Suitability Test*	*Marks*
1.	*Written Test (Objective Type - MCQs)*	*100*

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2.	*Examination and Evaluation of Annual Confidential Reports for last five years.*	*20*
3.	*Assessment of Average Disposal of last five years of the Judicial Officer concerned.*	*20*
4.	*Evaluation of Judgments delivered by the Judicial Officer concerned during the period of last one year.*	*60*

6. The aforesaid advertisement/recruitment notice dated 12.04.2022 further stipulated that all those judicial officers who obtain a minimum 40% marks in each of the abovementioned component and a minimum aggregate of 50% marks in all four components shall be eligible for being included in the Select List for promotion.

7. Pursuant to the aforesaid, the Written Test (Objective Type - MCQs) was conducted by the High Court and out of 205 candidates, a total of 175 judicial officers cleared the written test i.e., all those who were able to secure a minimum of 40% marks. Thereafter, the High Court called for the month-wise list of the judgments disposed of and the annual confidential reports (ACRs) of all 175 candidates who qualified.

8. After the evaluation of the ACRs, judgments and disposal rates, a total of 149 judicial officers were found to be eligible for promotion as they had secured a minimum 40% marks in each of the abovementioned component and a minimum aggregate of 50% marks in all the four components of the suitability test.

9. The High Court thereafter proceeded to prepare the final Select List dated 10.03.2023 wherein the seniormost 68 candidates amongst the aforementioned 149 eligible candidates were given promotion to the post of District Judge.

10. In such circumstances referred to above, the petitioners are here before this Court with the present petition under Article 32 of the Constitution.

i. Method of Promotion followed by the High Court of Gujarat.

11. For the better adjudication of the issues involved in the case at hand, it would be necessary to delineate the step-wise process of promotion undertaken by the High Court of Gujarat for the purpose of preparing the final Select List.

12. The process, as explained by the High Court in its counter affidavit and additional affidavit is as under:—

1.	Total number of Civil Judges (Senior Division) in Gujarat.	444
2.	Civil Judges (Senior Division) who fulfilled the eligibility criteria of a minimum of two-years of	417

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	qualifying service.	
3.	Senior-most of the Civil Judges (Senior Division) falling under the zone of consideration as per 1 : 3 ratio.	205
4.	Civil Judges (Senior Division) who appeared for the Suitability Test (MCQ's with no negative marking). (Seven candidates chose not to appear for the suitability test)	198
5.	Civil Judges (Senior Division) who secured 40% marks in the Suitability Test (MCQs with no negative marking).	175
6.	Total number of Civil Judges (Senior Division) who secured total of 50% marks and a minimum 40% marks in all four components being the Written Test, evaluation of ACRs, assessment of average disposal and evaluation of Judgments.	149
7.	Select List as per the notified vacancy prepared on the basis of seniority.	68

B. REFERENCE ORDER

13. The present writ petition was earlier heard by a two-Judge Bench of this Court wherein it was *prima facie* observed that in *All India Judges' Association (3)* v. *Union of India*, (2002) 4 SCC 247 while emphasizing on the need for merit-based criteria for promotion in the cadre of Higher Judicial Service, this Court had held that the promotion to the post of District Judge shall be on the basis of 'Merit-cum-Seniority'.

14. This Court further observed that the principle of 'Merit-cum-Seniority' lays greater emphasis on merit, and seniority plays a less significant role. Therefore, seniority should be considered only when merit and ability are equal.

15. This Court *prima facie* opined that the final Select List dated 10.03.2023 could be said to be in contravention of the principle of 'Merit-cum-Seniority' as envisaged in the rules and the decision in *All India Judges' Association (3)* (supra). However, in view of the importance of the matter and the observations made in *All India Judges' Association (3)* (supra), the matter was referred to the Bench of Hon'ble the Chief Justice of India. The relevant observations read as under : -

> *"8.1 It is also required to be noted that even as per the Recruitment Notice - District Judge (65%), the promotion to the cadre of District Judge (65%) from amongst the Senior Civil Judges shall be on the basis of principle of merit-cum-seniority and passing a suitability test. The suitability of a judicial officer for promotion is*

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also provided in the Recruitment Notice, which consists of four components reproduced hereinabove. Thus, as per the statutory Rules and even as per the Recruitment Notice, the promotion to the cadre of District Judge (65%) shall be on the basis of principle of merit-cum-seniority and passing a suitability test. At this stage, it is required to be noted that the Rules, 2005 further amended in the year 2011, have been framed by the High Court pursuant to the directions issued by this Court in the case of All India Judges' Association *(supra). It is required to be noted that prior to the decision of this Court in the case of* All India Judges' Association *(supra), the promotion in the cadre of Higher Judicial Service, i.e., District Judges and Additional District Judges were given on the basis of principle of seniority-cum-merit. Emphasising the need for merit-based criteria for promotion in the cadre of Higher Judicial Service, i.e., District Judges and Additional District Judges* [...]

xxx xxx xxx

8.8 The law on the principle of "merit-cum-seniority is by now, settled by this Court in a catena of decisions. As observed, while applying the principle of "merit-cum-seniority", greater emphasis is given on merit and ability and seniority plays a less significant role. As observed, while applying the principle of "merit-cum-seniority", the seniority is to be given weight only when merit and ability are approximately equal.

xxx xxx xxx

9. Thus, we are more than satisfied that the impugned Select List dated 10.03.2023 issued by the High Court and the subsequent Notification dated 18.04.2023 issued by the State Government granting promotion to the cadre of District Judge are illegal and contrary to the relevant Rules and Regulations and even to the decision of this Court in the case of All India Judges' Association *(supra). Therefore, we are more than prima facie satisfied that the same as such are not sustainable. Though, we were inclined to dispose of the writ petition finally, however, as Shri Dushyant Dave, learned Senior Advocate appearing on behalf of some of the respondents - promotees has prayed not to dispose of the writ petition finally and, therefore, may consider the question of interim relief, we are not disposing of the writ petition finally. [...]*

10. Looking to the importance of the matter and the observations made by this Court in the case of All India Judges' Association *(supra), pursuant to which the High Court has amended the Rules and the Regulations, we are of the opinion that let the matter be heard by the Bench headed by Hon'ble the Chief Justice of India, however, subject to and after obtaining appropriate orders from the Hon'ble the Chief Justice of India on the administrative side. The*

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Registry is directed to notify the present writ petition for final hearing on 08.08.2023."

(Emphasis supplied)

16. Accordingly, the present writ petition came to be referred to this Bench and was accordingly taken up for hearing.

C. SUBMISSIONS ON BEHALF OF THE PETITIONERS

17. Mr. P.S. Patwalia, learned Senior Counsel appearing for the petitioners submitted that the statutory rules as well as the decision in *All India Judges' Association (3)* (supra) stipulate that promotion to the cadre of District Judges against the 65% quota has to be on the basis of the principle of 'Merit-cum-Seniority'. Although the High Court has used the nomenclature 'Merit-cum-Seniority' yet the method ultimately followed for the purpose of promotion to the cadre of District Judge is nothing but 'Seniority-cum-Merit'.

18. He further submitted that the High Court in its methodology subjected all eligible candidates in the feeder cadre to a process of assessment of a specified minimum necessary merit and then proceeded to promote the candidates found possessing the minimum requisite merit strictly in the order of seniority. He submitted that the said method is nothing but 'Seniority-cum-Merit'.

19. Finally, Mr. Patwalia submitted that where promotion is on the basis of 'Merit-cum-Seniority', seniority has to be considered only in the event merit is equal in all respects. In other words, seniority should be considered only if there is a tie between the candidates on their individual merit.

20. Mr. R. Basant, learned Senior Counsel submitted that in the procedure that came to be followed by the High Court for promotion, seniority has been applied and given effect twice - once at the stage of preparation of the zone of consideration and then again at the stage of preparing the final Select List.

21. He further submitted that by applying seniority at the last stage of preparing the final Select List, the principle of 'Merit-cum-Seniority' has been given a goby and instead 'Seniority-cum-Merit' has been applied.

22. He also submitted that in cases of promotion on the principle of 'Merit-cum-Seniority', there is always an element of comparative merit and the promotion must be as per the *inter-se* merit of the persons who obtained the minimum marks. In this regard, strong reliance has been placed on the decisions of this Court in *Rupa Rani Rakshit* v. *Jharkhand Gramin Bank*, (2010) 1 SCC 345 and in *Dr. Kavita Kamboj* v. *High Court of Punjab and Haryana*, 2024 SCC OnLine SC 254.

23. He further submitted that 'Merit-cum-Seniority' is not a vague literary term, but carries a specific meaning in service jurisprudence.

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He submitted that the decision in *All India Judges' Association (3)* (supra) consciously substituted the earlier criteria of 'Seniority-cum-Merit' with 'Merit-cum-Seniority'.

24. In the last, Mr R. Basant submitted that this Court in a plethora of its decisions has consistently held that where a minimum benchmark is laid down and candidates having secured the minimum required marks are promoted on the basis of the seniority irrespective of the individual marks secured by them, it is an instance of 'Seniority-cum-Merit'.

D. SUBMISSIONS ON BEHALF OF THE HIGH COURT

25. Mr. V. Giri, learned Senior Counsel appearing for the High Court of Gujarat submitted that 'Merit-cum-Seniority' should not be conflated with Merit and that there is a clear distinction between the two concepts. He submitted that whilst merit is concerned only with the grade/credit of the candidate, the former not only checks the merit but also lays emphasis on seniority.

26. He submitted that if the interpretation of 'Merit-cum-Seniority' as canvassed by the petitioners is accepted, then the entire process of promotion would become solely based on merit and the aspect of seniority would be completely obliterated from the principle of 'Merit-cum-Seniority'.

27. He further submitted that doing so would have a far-reaching effect. The same would result in an amalgamation of the promotion process against 65% posts on the basis of 'Merit-cum-Seniority' and the process against 10% posts on the basis of strict merit in the cadre of District Judges and would completely do away with the fine distinction between the two modes of promotion.

28. Finally, Mr. Giri submitted that the High Court has been following the same methodology since 2011.

E. SUBMISSIONS ON BEHALF OF THE PROMOTED CANDIDATES

29. Mr. Dushyant Dave, learned Senior Counsel appearing for judicial officers who found place in the final Select List submitted that the writ petition under Article 32 ought not to be entertained as the petitioners have an alternative efficacious remedy of filing a writ petition under Article 226 of the Constitution before the High Court.

30. He submitted that in *All India Judges' Association (3)* (supra) the principle of 'Merit-cum-Seniority' and Suitability Test was provided only to objectively ascertain a minimum standard of merit for the purpose of promotion to the Higher Judicial Services in the cadre of District & Sessions Judge.

31. Mr. Dave submitted that merely having scored a few marks more than the other candidates is neither an indication of being tangibly more meritorious nor a cogent reason to completely negate the length

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of service of the senior candidates. He submitted that if the interpretation as canvassed by the petitioners is accepted, it would cause undue hardship and result in unjust treatment to his clients whose names were included in the final Select List, as they would end up losing their precious years of seniority in service only on account of having obtained a few marks lesser compared to the petitioners.

32. Ms. Mayuri Raghuvanshi, learned Counsel appearing for some of the respondents submitted that the principle of 'Merit-cum-Seniority' does not mean that the length of service or seniority has no relevance. She submitted that the marks secured in the written examination and other tests are not indicative of merit as the marks may be obtained even without possessing other important qualities such as practical experience or by cramming.

33. She further submitted that the various decisions on the principle of 'Merit-cum-Seniority' as relied upon by the petitioners do not deal with judicial services and have not been delivered in the context of promotion of Civil Judges (Senior Division) to the cadre of District Judge. It was submitted that 'Merit-cum-Seniority', as stipulated in the 2005 Rules, should be read in line with the observations in *All India Judges' Association (3)* (supra).

34. Learned counsel further submitted that the reliance placed by the petitioners on the process of promotion followed by the High Court of Jharkhand and High Court of Calcutta is absolutely misplaced, as the statutory rules therein are not *pari-materia* to the 2005 Rules.

35. Finally, Ms. Raghuvanshi submitted that her clients whose names have been included in the final Select List, had also participated in the promotion process undertaken in the year 2020. Although her clients had scored higher marks compared to the other candidates in the 2020 recruitment process, yet they were not promoted as they were comparatively junior to the other officers. She submitted that the process which was followed by the High Court applying the principle of 'Merit-cum-Seniority' has been followed consistently since 2011. She submitted that deviating from the process as followed by the High Court will result in inequitable and unjust repercussions, as her clients who lost out on promotions in the previous recruitment process because of being relatively junior would again end up losing out on their promotions in this process despite being relatively senior.

F. POINTS FOR DETERMINATION

36. Having heard the learned counsels appearing for the parties and having gone through the materials on record, the two pivotal questions that fall for our consideration are as under : -

I. What is the scope of principle of the 'Merit-cum-Seniority' in service jurisprudence; and

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II. Whether promotion of Civil Judges (Senior Division) to the cadre of District Judges in accordance with Rule 5(1) of the 2005 Rules and the Recruitment Notice dated 12.04.2022 issued by the High Court of Gujarat is contrary to the principle of 'Merit-cum-Seniority' as laid down in *All India Judges' Association (3)* (supra).

G. ANALYSIS

i. Maintainability of the present Writ Petition under Article 32.

37. At the outset, a preliminary objection was raised as regards the maintainability of the writ petition under Article 32 of the Constitution, on the ground that the petitioners have an efficacious alternative remedy available to them under Article 226 of the Constitution.

38. In *Mohammed Ishaq* v. *S. Kazam Pasha*, (2009) 12 SCC 748 this Court held that where Article 32 has been invoked, even where an alternative remedy exists, relegating the parties to avail the same is discretionary and a matter of convenience, and the same by no stretch restrains this Court to entertain the same. The relevant observations read as under : -

> *"23. On the preliminary issue of maintainability of the present writ petition, it is well-settled position of law that simply because a remedy exists in the form of Article 226 of the Constitution for filing a writ in the High Court concerned, it does not prevent or place any bar on an aggrieved person to directly approach the Supreme Court under Article 32 of the Constitution. It is true that the Court has imposed a self-restraint in its own wisdom on the exercise of jurisdiction under Article 32 where the party invoking the jurisdiction has an effective, adequate alternative remedy in the form of Article 226 of the Constitution. However, this rule which requires the exhaustion of alternative remedies is a rule of convenience and discretion rather than a rule of law. At any rate it does not oust the jurisdiction of this Court to exercise its writ jurisdiction under Article 32 of the Constitution. We, therefore, reject the preliminary objection raised and proceed to examine the contentions raised in the writ petition on merits."*
>
> (Emphasis supplied)

39. In *Maharashtra State Judicial Service Assn.* v. *High Court of Judicature at Bombay*, (2002) 3 SCC 244 this Court held that where the issue pertained only to the interpretation of the relevant rules and there was no dispute as regards the facts of the case by either side, the same could be entertained under Article 32 even though the alternative remedy under Article 226 was available. The relevant observations read as under:—

> *"1. […] On behalf of the direct recruit respondents, a preliminary*

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objection had been taken by Shri M.L. Verma that the dispute being one of inter se seniority within a cadre, the Court ought not to entertain a petition under Article 32, as the parties were entitled to approach the High Court under Article 226 against the administrative decision of the Bombay High Court. We have no doubt in our mind that an administrative decision of the Court could be assailed by filing a writ petition under Article 226 in the High Court itself, but this Court having entertained the petition under Article 32 by issuing rule on 8-12-2000 and the dispute being one which centres around interpretation of the relevant Rules and both the direct recruits and the promotees having made their stand known, and further, no disputed question on facts having arisen, we do not think it appropriate to direct the promotees to approach the High Court in the first instance. We, therefore, heard the parties at length on the merits of the matter."

(Emphasis supplied)

40. From the aforesaid, it is clear that the availability of an alternative remedy does not in any manner affect the maintainability of the writ petition under Article 32 of the Constitution. The rule behind relegating a party to first avail the alternative remedy before knocking the doors of this Court is a rule of self-restraint that is exercised by this Court as a matter of convenience.

41. Further, wherever the facts of the case are not in dispute, and the issue involves the interpretation of rules which are of significant importance having a far-reaching effect, it would be a fit case for this Court to exercise its discretion and entertain the writ petition under Article 32 even if there is an alternative remedy available.

42. It is contended by the petitioners that they had to come before this Court invoking Article 32 of the Constitution instead of Article 226 because the impugned final Select List dated 10.03.2023 which is the subject matter of challenge had been ratified by the High Court in its Full Court meeting. We are not impressed with such a submission as the High Court on its judicial side can always review any decision or action taken by it on its administrative side. It would be erroneous to say that if any decision taken by the High Court on its administrative side is ultimately challenged on any legal ground on its judicial side, then the High Court may not undertake judicial review of such administrative decision dispassionately.

43. In the present case, the facts are not in dispute either at the end of the petitioners herein or at the end of the High Court or the respondents. Moreover, since the issues involve not just the interpretation of Rule 5(1)(I) of the 2005 Rules but also the decision of this Court in *All India Judges' Association (3)* (supra), we are of the considered opinion that the petition under Article 32 deserves to be

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entertained.

ii. The Legislative History and Scheme of the Gujarat State Judicial Service Rules, 2005.

a. Shetty Commission on Judicial Reforms and the Decision of this Court in All India Judges' Association (3).

44. The subject matter of the controversy with which we are concerned in the present litigation is with regard to the scheme and policy for promotions in the Higher Judicial Services, particularly to the cadre of Additional District & Sessions Judge. The genesis of the same can be traced back to the decision of this Court in *All India Judges' Association (3)* (supra).

45. The First Law Commission of India under the Chairmanship of Shri M.C. Setalvad in its 14th Report in the year 1958 expressed concerns over the growing problem of finding capable and competent judicial officers for the District Judiciary. It reported that most of the difficulties brought to the notice of the Commission had their origin in the inefficiency or inexperience of the judicial personnel on account of the falling standards in their recruitment. The relevant observations read as under : -

> *"2. Subordinate Judiciary Personnel*
>
> *2. As has been said repeatedly elsewhere, the problem of efficient judicial administration, whether at the level of the superior courts or the subordinate courts, is largely the problem of finding capable and competent judges and judicial officers. Delays in the disposal of cases and the accumulation of arrears are in a great measure due to the inability of the judicial officers to arrange their work methodically and to appreciate and apply the provisions of the Procedural Codes. [...]*
>
> *xxx xxx xxx*
>
> *4. As we shall point out later, the problem has since grown in dimensions, because there is unmistakable testimony that the standards of the judicial officers recruited from the bar and other sources have, during recent years, fallen in a substantial degree for various reasons. That has been almost the unanimous view expressed by the witnesses before us. It is thus obvious that no scheme of reform of judicial administration will be effective or worth-while, unless the basic problem of providing trained and capable judicial personnel is satisfactorily solved. Before we can suggest adequate measures for raising the level of judiciary, we have to examine the causes which have led to the decline in its efficiency."*
>
> (Emphasis supplied)

46. Accordingly, the Law Commission made a slew of

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recommendations in order to deal with the afore-stated problems. The Law Commission, *inter-alia*, recommended devising a more robust mechanism for recruitment and in-service training of judicial officers with a view to improve their calibre. It further recommended that a third source of recruitment to the Higher Judiciary i.e., the cadre of District & Sessions Judge, should be created. It stated that this third category should be recruited purely by way of a competitive examination, and recruitment through the existing two categories i.e., by promotion and from the Bar should continue as per the existing process. The Law Commission was of the view that the new avenue as recommended would enlarge the field of selection and bring in Judicial Officers of high calibre and brilliance. The relevant observations read as under : -

> *"10. If we are to improve the personnel of the subordinate judiciary, we must first take measures to extend or widen our field of selection so that we can draw from it really capable persons. A radical measure suggested to us was to recruit the judicial service entirely by a competitive test or examination. It was suggested that the higher judiciary could be drawn from such competitive tests at the all-India level and the lower judiciary can be recruited by similar tests held at State level. Those eligible for these tests would be graduates who have taken a law degree and the requirement of practice at there Bar should be done away with.*
>
> *Such a scheme, it was urged, would result in bringing into the subordinate judiciary capable young men who now prefer to obtain immediate remunerative employment in the executive branch of Government and in private commercial firms. The scheme, it was pointed out, would bring to the higher subordinate judiciary the best talent available in the country as a whole, whereas the lower subordinate judiciary would be drawn from the best talent available in the State."*
>
> (Emphasis supplied)

47. In *All India Judges' Association (1)* v. *Union of India*, (1992) 1 SCC 119, the issues pertaining to the working conditions of the District Judiciary throughout the country came up for consideration, including the issues pertaining to uniformity in the judicial cadres in different States and Union Territories, and for adequate provisions for in-service training and promotion.

48. This Court took notice of the aforesaid recommendations that were made by the First Law Commission of India in its Fourteenth Report in 1958, particularly with respect to improving the standard of the District Judiciary and widening the field of selection and promotion to the Higher Judiciary in a balanced manner so as to induct capable and efficient persons as Judicial Officers in the District Judiciary.

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49. While this Court acknowledged that the creation of an All-India Judicial Service as proposed by the Law Commission may undermine the control of the High Courts over the District Judiciary, yet at the same time this Court suggested to the Union of India to undertake appropriate steps towards the implementation of the recommendations made by the Law Commission, as far as feasible, at the earliest, and directed the Central Government to consider setting up an All-India Judicial Service. The relevant observations read as under : -

> *"11. […] We are of the view that the Law Commission's recommendation should not have been dropped lightly. There is considerable force and merit in the view expressed by the Law Commission. An All India Judicial Service essentially for manning the higher services in the subordinate judiciary is very much necessary. The reasons advanced by the Law Commission for recommending the setting up of an All India Judicial Service appeal to us.*
>
> *12. Since the setting up of such a service might require amendment of the relevant articles of the Constitution and might even require alteration of the Service Rules operating in the different States and Union territories, we do not intend to give any particular direction on this score particularly when the point was not seriously pressed but we would commend to the Union of India to undertake appropriate exercise quickly so that the feasibility of implementation of the recommendations of the Law Commission may be examined expeditiously and implemented as early as possible. It is in the interest of the health of the judiciary throughout the country that this should be done.*
>
> *xxx xxx xxx*
>
> *63. We would now briefly indicate the directions we have given in the judgment:*
>
> *(i) An All India Judicial Service should be set up and the Union of India should take appropriate steps in this regard. […]"*
>
> (Emphasis supplied)

50. Thereafter, review petitions came to be filed against the decision in *All India Judges' Association (1)* (supra) seeking certain modifications and clarifications in respect of the directions that were issued by this Court. The review petitions came to be disposed in *All India Judges' Association (2)* v. *Union of India*, (1993) 4 SCC 288, wherein *inter-alia* it was clarified that although the direction for setting up an All-India Judicial Service was only recommendatory, yet in view of the necessary and expedient nature of the recommendations made by the Law Commission, the Central Government should take an earnest initiative in realizing the same.

51. Pursuant to the directions issued by this Court in *All India*

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Judges' Association (1) (supra) and *All India Judges' Association (2)* (supra), the First National Judicial Pay Commission under the Chairmanship of Hon'ble Mr. Justice K.J. Shetty (Former Judge of this Court), more popularly known as the "Shetty Commission on Judicial Reforms" came to be constituted. After due deliberations, the Shetty Commission submitted its report on 11.11.1999, and responses to the same were filed by the States and Union Territories.

52. The recommendations made in the Shetty Commission's report along with the responses of the States/Union Territories were taken into consideration and the same ultimately culminated into the decision of this Court in *All India Judges' Association (3)* (supra).

(1) In the said decision, this Court, *inter-alia*, accepted the recommendation of the Shetty Commission that 75% of the posts in the cadre of District & Sessions Judge shall be filled by promotion from Civil Judge (Senior Division) and 25% of the posts shall be filled by direct recruitment from the Bar by way of a competitive examination encompassing a written examination and viva.

(2) At the same time, this Court was of the view that when it comes to appointment by promotion to the cadre of District & Sessions Judge, (i) some incentive for improving must exist for the judicial officers and (ii) a certain minimum standard ought to be maintained in the cadre of District & Sessions Judge and further, there must be an objective method for testing the suitability of a Judicial Officer for promotion.

(3) Accordingly, this Court held that even within the quota of 75% there should be two methods of appointment by way of promotion. It held that 50% of the total posts shall be filled by promotion based on the principle of 'Merit-cum-Seniority' through a test for assessing the continued efficiency and adequate knowledge of case-law of the Judicial Officers and the remaining 25% of the posts shall be filled by promotion strictly on the basis of merit through a limited departmental competitive examination (LDCC) with an eligibility requirement of five-years of qualifying service as a Civil Judge (Senior Division).

(4) Thus, this Court directed that recruitment to the Higher Judicial Service i.e., in the cadre of District & Sessions Judge shall be through three different avenues, namely : -

(i) 50% by promotion of Civil Judges (Senior Division) on the basis of 'Merit-cum-Seniority' and passing a Suitability Test.

(ii) 25% by promotion strictly based on merit through a limited departmental competitive examination of Civil Judges (Senior Division) not having less than five-years qualifying service; and

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(iii) 25% by direct recruitment from amongst the eligible advocates based on written and viva voce test.

(5) Accordingly, all the High Courts were directed to frame appropriate rules in terms of the aforesaid directions. The relevant observations read as under : -

"27. Another question which falls for consideration is the method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges. At the present moment, there are two sources for recruitment to the Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The subordinate judiciary is the foundation of the edifice of the judicial system. It is, therefore, imperative, like any other foundation, that it should become as strong as possible. The weight on the judicial system essentially rests on the subordinate judiciary. While we have accepted the recommendation of the Shetty Commission which will result in the increase in the pay scales of the subordinate judiciary, it is at the same time necessary that the judicial officers, hardworking as they are, become more efficient. It is imperative that they keep abreast of knowledge of law and the latest pronouncements, and it is for this reason that the Shetty Commission has recommended the establishment of a Judicial Academy, which is very necessary. At the same time, we are of the opinion that there has to be certain minimum standard, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e. the District Judge cadre from amongst the advocates should be 25 per cent and the process of recruitment is to be by a competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the subordinate judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by

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promotion is concerned : 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case-law. The remaining 25 per cent of the posts in the service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard.

28. As a result of the aforesaid, to recapitulate, we direct that recruitment to the Higher Judicial Service i.e. the cadre of District Judges will be:

(1)

(a) 50 per cent by promotion from amongst the Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years' qualifying service; and

(c) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by respective High Courts.

(2) Appropriate rules shall be framed as above by the High Courts as early as possible.

29. […] As a result of the decision today, there will, in a way, be three ways of recruitment to the Higher Judicial Service. The quota for promotion which we have prescribed is 50 per cent by following the principle "merit-cum-seniority", 25 per cent strictly on merit by limited departmental competitive examination and 25 per cent by direct recruitment. […]"

(Emphasis supplied)

53. Thereafter, in *Malik Mazhar Sultan (1)* v. *U.P. Public Service Commission*, (2006) 9 SCC 507, this Court underscored the importance for filling up judicial vacancies on time and directed the High Courts to undertake necessary steps towards fixing a timeline for determining vacancies, issuing advertisements, conducting examinations, interviews and declaring results for final appointment. The relevant observations read as under:—

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"23. It is absolutely necessary to evolve a mechanism to speedily determine and fill vacancies of judges at all levels. For this purpose, timely steps are required to be taken for determination of vacancies, issue of advertisement, conducting examinations, interviews, declaration of the final results and issue of orders of appointments. For all these and other steps, if any, it is necessary to provide for fixed time schedule so that the system works automatically and there is no delay in filling up of vacancies. [...]"

(Emphasis supplied)

54. The aforesaid was followed by the decision in *All India Judges' Association (4)* v. *Union of India*, (2010) 15 SCC 170, wherein this Court took note of the fact that various posts of the cadre of District & Sessions Judge earmarked for the 25% promotional quota strictly on the basis of merit were lying vacant on account of insufficiency of candidates or their inability to clear the competitive exam. In such circumstances, it was directed that the 25% promotional quota, to be filled on the basis of Merit, shall be reduced to 10% of the cadre strength, and the 50% promotional quota to be filled by 'Merit-cum-Seniority' shall be increased to 65% of the total seats. The relevant observations read as under : -

"6. Having regard to various strategies available, we are of the considered view that suitable amendment is to be made for this 25% quota of limited departmental competitive examination. We are also of the view, with the past experience, that it is desirable that 25% quota be reduced to 10%. We feel so as the required result, which was sought to be achieved by this process could not be achieved, thus it calls for modification.

7. Thus, we direct that henceforth only 10% of the cadre strength of District Judges be filled up by limited departmental competitive examination with those candidates who have qualified service of five years as Civil Judge (Senior Division). Every year vacancies are to be ascertained and the process of selection shall be taken care of by the High Courts. If any of the post is not filled up under 10% quota, the same shall be filled up by regular promotion. In some of the High Courts, process of selection of these 25% quota by holding limited departmental competitive examination is in progress, such process can be continued and the unfilled seats, if meritorious candidates are available, should be filled up. But if for some reason the seats are not filled up, they may be filled up by regular promotion and apply the usual mode of promotion process. Thus we pass the following order.

8. Hereinafter, there shall be 25% of seats for direct recruitment from the Bar, 65% of seats are to be filled up by regular promotion of Civil Judge (Senior Division) and 10% seats are to be filled up by

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limited departmental competitive examination. If candidates are not available for 10% seats, or are not able to qualify in the examination then vacant posts are to be filled up by regular promotion in accordance with the Service Rules applicable."

(Emphasis supplied)

55. In *Malik Mazhar Sultan (3)* v. *U.P. Public Service Commission*, (2009) 17 SCC 530 this Court, in view of the large number of vacancies in the promotional quota in the cadre of District & Sessions Judge, directed the High Courts to be practical in the matters of promotion and ensure timely filling up of the vacancies on the basis of the principle of 'Seniority-cum-Merit', deviating from the observations in *All India Judges' Association (3)* (supra) mandating promotion by 'Merit-cum-Seniority'. It further observed that seniority should have a predominant role in giving promotions to the Civil Judges (Senior Division) and that the High Court may decline promotion only in case the Judicial Officer is not suitable for being promoted. The relevant observations read as under : -

"3. We see large number of vacancies of District Judges are lying vacant as the promotion of these posts are not being done timely by the High Court. Considering the large number of vacant posts of District Judges, the High Court should take timely action to fill up these vacancies keeping in mind the principle of seniority-cum-merit. The High Court may deny promotion to a Civil Judge (Senior Division) only in case he/she is not suitable for being promoted and the seniority should always have a predominant role in giving promotion to the Civil Judge (Senior Division) to the post of District Judge. If the posts of District Judges are not filled up in time it is likely that sessions cases may not have timely trial, thereby delaying the whole procedure of justice delivery system. We request the High Court to be practical in the matter of promotion and filling up the posts of the District Judges. [...]"

(Emphasis supplied)

b. Relevant Statutory Provisions of the Gujarat State Judicial Service Rules, 2005.

56. At this stage, it would be necessary to look into the statutory scheme and refer to the relevant provisions governing the promotion of Civil Judges (Senior Division) to the cadre of District & Sessions Judge in the State of Gujarat.

57. The 2005 Rules provide for the service conditions and policies pertaining to the Judicial Officers and the service framework of the District Judiciary in the State of Gujarat.

58. Rule 5 sub-rule (1) of the 2005 Rules provides for the various modes or methods of appointment to the cadre of District & Sessions

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Judge. Rule 5(1) of the 2005 Rules framed in accordance with the directions issued in *All India Judges' Association (3)* (supra), lays down three distinct modes of recruitment to the cadre of District & Sessions Judge. The said Rule reads as under : -

> *"5. Method of recruitment, qualification and age limit.*
>
> *(1) Recruitment to the cadre of District Judges shall be as under, -*
>
> *(I) 50 per cent by promotion from amongst the Senior Civil Judges on the basis of principle of merit-cum-seniority and passing a suitability test.*
>
> *(II) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Senior Civil Judges having not less than five years qualifying service, and*
>
> *(III) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by the High Court."*

59. Rule 5(1) sub-clause (I) of the 2005 Rules provides that appointment to 50% of the posts in the cadre of District & Sessions Judge shall be by promotion from the cadre of Civil Judges (Senior Division) i.e., the feeder cadre, on the basis of the principle of 'Merit-cum-Seniority' and upon passing a Suitability Test. In other words, 50% of the posts of District & Sessions Judge shall be filled by promotions on the basis of the principle of 'Merit-cum-Seniority'.

60. Rule 5(2) sub-clause (II) of the 2005 Rules provides that 25% of the posts in the cadre of District & Sessions Judge shall be filled by promotions on the basis of merit through a limited departmental competitive examination.

61. Rule 5(2) sub-clause (III) provides the third method of recruitment, by which the remaining 25% of the posts in the cadre of District & Sessions Judge shall be filled by direct recruitment of the eligible advocates on the basis of a written exam and viva-voce.

62. Pursuant to the directions of this Court in *All India Judges' Association (4)* (supra), Rule 5 referred to above was amended by the Gujarat State Judicial Service (Amendment) Rules, 2011, whereby, the second category of posts being the 25% promotional quota to be strictly filled on the basis of merit, was reduced to 10% and the 50% promotional quota, to be filled on the basis of principle of 'Merit-cum-Seniority' and passing a Suitability Test, was increased to 65%.

63. In other words, the aforesaid 2011 amendment reduced the posts for promotion on the basis of merit from 25% to 10% and increased the posts for promotion on the principle of 'Merit-cum-Seniority' from 50% to 65% in the cadre of District & Sessions Judge.

64. Rule 5 sub-rule (3) further prescribes the eligibility criteria for

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the aforesaid two modes of promotion provided in Rule 5(1) of the 2005 Rules, as amended in 2011. The said rule reads as under : -

> *"5. Method of recruitment, qualification and age limit.*
>
> *(3)(I) For being eligible for promotion against 65% of the total posts in the cadre of District Judges required to be filled by promotion on the basis of the principle of merit-cum-seniority, the qualifying service as Senior Civil Judge shall not be less than two years service in the cadre.*
>
> *(II) For eligibility for promotion against the remaining 10% posts required to be filled in by promotion strictly on the basis of merit through limited departmental competitive examination, the qualifying service as Senior Civil Judge shall not be less than five years."*

65. Rule 5 sub-rule (3)(I) of the 2005 Rules stipulates that a minimum of two-years of qualifying service in the feeder cadre i.e., as a Civil Judge (Senior Division) is required in order to be eligible to participate in the promotion process for the 65% posts in the cadre of District & Sessions Judge on the basis of the principle of 'Merit-cum-Seniority' as envisaged under Rule 5(1)(I). In other words, all Civil Judges (Senior Division), having a minimum of two-years of service, are eligible to be promoted to the 65% posts in the cadre of District & Sessions Judge on the basis of the principle of 'Merit-cum-Seniority'.

66. On the other hand, Rule 5 sub-rule (3)(II) provides for the requirement of a minimum of five-years of qualifying service in the feeder cadre i.e., as a Civil Judge (Senior Division), for participating in the promotion process for the 10% posts in the cadre of District & Sessions Judge on the basis of strict merit as provided under Rule 5(1)(ii) of the 2005 Rules. In other words, all Civil Judges (Senior Division) who have completed a minimum of five-years of service are eligible to be promoted to the 10% posts in the cadre of District & Sessions Judge on the basis of Merit through the competitive examination.

67. In other words, a combined reading of the aforesaid Rule 5(1) with Rule 5(3) of the 2005 Rules makes it clear that there are three distinct modes of recruitment to the cadre of District & Sessions Judge which are as follows : -

(I) 65% posts by promotion from the eligible Civil Judges (Senior Division) having a minimum of two-years of service on the basis of 'Merit-cum-Seniority';

(II) 10% posts by promotion from eligible Civil Judges (Senior Division) with a minimum of five-years of service on basis of merit through a competitive examination and;

(III) 25% posts by direct recruitment from the eligible members of the Bar on the basis of a written exam and viva voce.

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iii. Evolution of the Principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' in Service Jurisprudence.

a. Concept of Promotion : The meaning and origin of seniority and merit as parameters.

68. Promotion is an integral part of any formal sector employment. The principal object of a promotion system is to secure the best possible incumbents for higher positions while maintaining the morale of the whole organization.[1] In the matter of formulation of a policy for promotion to a higher post, the two competing principles which are taken into account are *inter-se* seniority and comparative merit of employees who are eligible for promotion.

Understanding the meaning of Seniority and Merit

69. The *Black's Law Dictionary* defines 'seniority' as follows[2]:— "*Represents in the highest degree the right to work, and by seniority the oldest man in point of service, ability and fitness for the job being sufficient, is given choice of jobs, is first promoted within range of jobs subject to seniority, and is the last laid off, proceeding so on down the line to the youngest in point of service*."

70. Weber, the sociologist, described "promotion according to seniority or to achievement" as an important component of an efficient bureaucracy.[3] Establishing a promotion system based on seniority is fundamental to modern management, which ensures that individuals joining an organization have opportunities for career advancement. Further, promotions based on seniority is tried and tested method because those who have been engaged at the employment for longer have had more time to refine the skills necessary for the higher posts.

What constitutes 'Merit'

71. According to the *Cambridge Dictionary*, merit is defined as the quality of being good and deserving. In the context of employment, it is the sum total of various qualities which are relevant for fulfilling the requirements of the employment.[4] There are multiple attributes of merit which must be taken into consideration such as character, integrity, and devotion to the assigned official duties. The manner in which the candidate discharges their final duties would also be a relevant factor.

72. Further, past performance is a relevant factor to judge the merit of the candidate, particularly in promotional posts, since it would indicate the capability of the candidate to discharge their duties effectively. Merely because any person possesses higher qualifications or higher marks in an examination does not mean that they are meritorious than others.[5]

73. In the United States, the Federal Civil Services Act of 1871,

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provides for filling of vacancies in higher positions by competitive promotion tests, wherever practicable. H. Eliot Kaplan, General Counsel of the New York Bar, in his "Law of Civil Services" writes that in some jurisdictions promotions may be made on a wider basis, the field of promotion being left to the discretion of the personnel agency.[6] He also notes that the eligibility requirements for promotion are usually not specified in the statutes but are usually left to be determined by rules of the personnel agency. Personnel agencies fix educational and experience requirements for eligibility to compete for promotion. A hint of the 'Merit-cum-Seniority' and 'Seniority-cum-Merit' principle can be traced in his words where he states that where the law requires that promotions be made from among those serving in the next lower grade, the incumbents of such lower positions would be deemed to be presumably qualified for promotion. For 'Merit-cum-Seniority', particularly, the competitive test/qualification criteria would serve to determine the relative excellence among those presumably qualified for promotion[7], so that those demonstrating superior merit and fitness would be available to fill the vacancies.[8]

74. In Britain, the 1854 Northcote-Trevelyan Report founded a public service system based on merit, where open competitive examinations were practiced under the principle of promotion by merit but also held that seniority and experience counted in some respects.[9]

75. Similarly, in France, the 19th century saw the introduction of the doctrine of the "Concours" or competitive examination to support the merit system in the civil service, yet giving seniority and experience due regard in promotion to higher ranks.[10]

76. During the British Raj, the East India Company adopted the principle of seniority for promotions. This principle was officially recognized in the Charter Act, 1793 and continued until the enactment of the Indian Civil Service Act, 1861. Apart from the seniority principle, considerations of merit, integrity, competence, and ability were also taken into account for promotions. This 'Seniority-cum-Merit' formula remained in practice until 1947.

77. The Indian Civil Service (hereinafter referred as the "ICS") system, initiated in the 19th century, encapsulated aspects of recruitment based on competitive examinations and seniority. For entry into the ICS, competitive examinations were conducted and for promotions to higher positions, seniority and experience were considered as important factors.

78. Under the Charter Act, 1833, following Lord Macaulay's Report of the Select Committee of British Parliament[11], the concept of competitive examinations in modern Civil Services in India was

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introduced in 1854. The Report recommended that the patronage-based system of East India Company should be replaced by a permanent Civil Service where candidates are recruited through competitive examinations.[12] As stated, competitive examinations were "designed to protect career employees against improper political influences or personal favouritism in the recruiting, hiring, promotion, or dismissal processes, to ensure that personnel management is conducted without discrimination".[13]

79. The First Pay Commission in 1947 recommended a blend of direct recruitment and promotion, suggesting that seniority be emphasized for roles requiring familiarity with office work, while merit be the basis for higher-level positions. Subsequent commissions, such as the Second Pay Commission in 1959 and the First Administrative Reforms Commission in 1969, echoed the importance of merit-based promotions alongside seniority.

80. The principle of seniority as a parameter of selection for promotion was found to be derived from the belief that competence is related to experience and that it limits the scope of discretion and favouritism. There is always an additional assumption that long-serving employees have demonstrated loyalty to the employing organization and so are entitled to reciprocal treatment.

81. However, in India, no government servant can claim promotion as their right because the Constitution does not prescribe criteria for filling seats in promotional posts. The Legislature or the executive may decide the method for filling vacancies to promotional posts based on the nature of employment and the functions that the candidate will be expected to discharge. The courts cannot sit in review to decide whether the policy adopted for promotion is suited to select the 'best candidates', unless on the limited ground where it violates the principle of equal opportunity under Article 16 of the Constitution.

b. Principle of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' in Service Jurisprudence.

82. This Court in its decision in *State of Kerala* v. *N.M. Thomas*, (1976) 2 SCC 310 held that policies pertaining to promotions can be said to broadly fall within two distinct categories being : (i) promotions which are based on the principle of 'Merit-cum-Seniority' and, (ii) promotions which are based on the principle of 'Seniority-cum-Merit'. It further held that when it comes to promotions based on principle of 'Seniority-cum-Merit', a senior who has the minimum requisite merit shall be entitled to promotion even though there might be others who are more meritorious. The relevant observations read as under : -

> *"38. The principle of equality is applicable to employment at all stages and in all respects, namely, initial recruitment promotion,*

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retirement, payment of pension and gratuity. With regard to promotion the normal principles are either merit-cum-seniority or seniority-cum-merit. Seniority-cum-merit means that given the minimum necessary merit requisite for efficiency of administration, the senior though the less meritorious shall have priority. This will not violate Articles 14, 16(1) and 16(2). A rule which provides that given the necessary requisite merit, a member of the backward class shall get priority to ensure adequate representation will not similarly violate Article 14 or Article 16(1) and (2). […]"

(Emphasis supplied)

83. This Court in *State of Mysore* v. *Syed Mahmood*, (1968) 3 SCR 363, on the criterion of 'Seniority-cum-Merit' observed that any rule that mandates selection based on the principle of 'Seniority-cum-Merit', such rule mandates that the promotions must be determined through a selection process that evaluates "seniority, subject to the fitness of the candidate, to discharge the duties of the post from among persons eligible for promotion". In consequence, where promotion is based on the 'Seniority-cum-Merit' principle, the candidate cannot claim promotion as a matter of right on the grounds of his seniority alone. Further, if the officer fails to discharge his duties of the higher post, he may be passed over by a junior officer.

84. In *Jagathigowda, C.N.* v. *Chairman, Cauvery Gramina Bank*, (1996) 9 SCC 677, while moving a step ahead, it was held that where promotion is based on the principle of 'Seniority-cum-Merit', it would still be open for the selection committee to take into consideration the performance appraisal forms to first ascertain the suitability of the candidates being considered for promotion. The relevant observations read as under:—

"8. […] It is settled proposition of law that even while making promotions on the basis of seniority-cum-merit the totality of the service record of the officer concerned has to be taken into consideration. The performance appraisal forms are maintained primarily for the purpose that the same are taken into consideration when the person concerned is considered for promotion to the higher rank. The High Court, with respect, was not justified in holding that the performance appraisal could not be taken into consideration by the Director's Committee while considering the officers for promotion to the higher rank."

(Emphasis supplied)

85. This Court in *Rajendra Kumar Srivastava* v. *Samyut Kshetriya Gramin Bank*, (2010) 1 SCC 335 held that where promotion is on the basis of 'Seniority-cum-Merit', the standard method is to first ascertain the candidates who possess the minimum required merit and thereafter making promotions strictly on the basis of seniority from among those

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who are found to possess the minimum necessary merit. It further held that the minimum requisite merit may be ascertained from either one or a combination of multiple processes of assessment. The relevant observations read as under : -

> *"11. It is also well settled that the principle of seniority-cum-merit, for promotion, is different from the principle of "seniority" and the principle of "merit-cum-seniority". Where promotion is on the basis of seniority alone, merit will not play any part at all. But where promotion is on the principle of seniority-cum-merit, promotion is not automatic with reference to seniority alone. Merit will also play a significant role. The standard method of seniority-cum-merit is to subject all the eligible candidates in the feeder grade (possessing the prescribed educational qualification and period of service) to a process of assessment of a specified minimum necessary merit and then promote the candidates who are found to possess the minimum necessary merit strictly in the order of seniority. The minimum merit necessary for the post may be assessed either by subjecting the candidates to a written examination or an interview or by assessment of their work performance during the previous years, or by a combination of either two or all the three of the aforesaid methods. There is no hard-and-fast rule as to how the minimum merit is to be ascertained. So long as the ultimate promotions are based on seniority, any process for ascertaining the minimum necessary merit, as a basic requirement, will not militate against the principle of seniority-cum-merit.*
>
> *xxx xxx xxx*
>
> *13. Thus it is clear that a process whereby eligible candidates possessing the minimum necessary merit in the feeder posts is first ascertained and thereafter, promotions are made strictly in accordance with seniority, from among those who possess the minimum necessary merit is recognised and accepted as complying with the principle of "seniority-cum-merit". What would offend the rule of seniority-cum-merit is a process where after assessing the minimum necessary merit, promotions are made on the basis of merit (instead of seniority) from among the candidates possessing the minimum necessary merit. If the criteria adopted for assessment of minimum necessary merit is bona fide and not unreasonable, it is not open to challenge, as being opposed to the principle of seniority-cum-merit. We accordingly hold that prescribing minimum qualifying marks to ascertain the minimum merit necessary for discharging the functions of the higher post, is not violative of the concept of promotion by seniority-cum-merit."*
>
> (Emphasis supplied)

86. In *Dr. Kavita Kamboj* (supra), this Court speaking eruditely

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through one of us, Dr. D.Y. Chandrachud, CJI., observed that the principle of 'Merit-cum-Seniority' is an approved method of selection where the emphasis is primarily on the comparative merit of the judicial officers being considered for promotion whereby even a junior who demonstrates greater merit than the senior can be considered for promotion. The relevant observations read as under : -

> *"45. […] The principle of merit-cum seniority is an approved method of selection where merit is the determinative factor and seniority plays a less significant role. Where the principle of 'merit-cum seniority' is the basis, the emphasis is primarily on the comparative merit of the judicial officers being considered for promotion. Resultantly, even a junior officer who demonstrates greater merit than a senior officer will be considered for promotion."*
>
> (Emphasis supplied)

[Also see *Central Council for Research in Ayurveda and Siddha* v. *Dr. K. Santhakumari*, (2001) 5 SCC 60]

87. This Court in *B.V. Sivaiah* v. *K. Addankl Babu*, (1998) 6 SCC 720 whilst explaining the difference between the principle of 'Merit-cum-Seniority' vis-à-vis the principle of 'Seniority-cum-Merit', held as follows : -

(i) *First*, where promotion is based on the principle of 'Merit-cum-Seniority' a greater emphasis is laid on merit & the ability of the candidate and seniority is to be given weight where merit and ability are approximately equal. Whereas, when it comes to the principle of 'Seniority-cum-Merit', the promotion is to be made on the basis of seniority alone subject to having the minimum requisite merit and suitability of the candidate amongst the eligible persons. The relevant observations read as under : -

> *"9. The principle of 'merit-cum-seniority lays greater emphasis on merit and ability and seniority plays a less significant role. Seniority is to be given weight only where merit and ability are approximately equal. […]*
>
> *xxx xxx xxx*
>
> *18. We thus arrive at the conclusion that the criterion of 'seniority-cum-merit' in the matter of promotion postulates that given the minimum necessary merit requisite for efficiency of administration the senior, even though less meritorious, shall have priority and a comparative assessment of merit is not required to be made. For assessing the minimum necessary merit the competent authority can lay down the minimum standard that is required and also prescribe the mode of assessment of merit of the employee who is eligible for consideration for promotion. Such assessment can be made by assigning marks on the basis of*

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appraisal of performance on the basis of service record and interview and prescribing the minimum marks which would entitle a person to be promoted on the basis of seniority-cum-merit."

(Emphasis supplied)

(ii) *Secondly*, the principle of 'Merit-cum-Seniority' postulates the requirement of making a comparative assessment of merit, whereas no such comparative assessment is required where the criterion for promotion is based on the principle of 'Seniority-cum-Merit'. Even if the candidates have the same length of service, it is only to be determined whether the candidates possess the minimum required threshold of merit or not. The relevant observations read as under:—

"15. […] Since comparation assessment of merit is required to made while applying the criterion of 'merit cum-seniority' and for 'seniority-cum merit' no such comparative assessment is required, the aforementioned observations in the case of C.R. Seshadri *(supra) on which reliance has been placed cannot be regarded as correctly reflecting as what is meant by the criterion of 'seniority-cum-merit'.*

xxx xxx xxx

17. […] We are unable to agree. While applying the principle of seniority-cum-merit for the purpose of promotion what is required to be considered is inter se seniority of the employees who are eligible for consideration. Such seniority is normally determined on the basis of length of service, but as between employees appointed on the same date and having the same length of service, it is generally determined on the basis of placement in the select list for appointment. Such determination of seniority confers certain rights and the principle of seniority-cum-merit gives effect to the such rights flowing from seniority. It cannot, therefore, be said that in the matter of promotion on the basis of seniority-cum-merit seniority has no role where the employees eligible for promotion were appointed on the same date and have the same length of service."

(Emphasis supplied)

(iii) *Thirdly*, the Court concluded by observing that where the criterion of promotion is principle of 'Seniority-cum-Merit', marks can only be prescribed as a 'minimum qualifying requirement' and as such where promotion was being given to the eligible seniormost candidates on the basis of their individual marks, such promotion would be contrary to the principle of 'Seniority-cum-Merit'. The relevant observations read as under:—

"26. It is not a case where minimum qualifying marks are prescribed for assessment of performance and merit and those who secure the prescribed minimum qualifying marks are

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selected for promotion on the basis of seniority. In the circumstances, it must be held that the High Court has rightly come to the conclusion that the mode of selection that was in fact employed was contrary to the principle of 'seniority-cum-merit' laid down in the Rules."

(Emphasis supplied)

88. This distinction was reiterated in *Union of India* v. *Lt. Gen. Rajendra Singh Kadyan*, (2000) 6 SCC 698, *State of U.P.* v. *Jalal Uddin*, (2005) 1 SCC 169 and *Haryana State Electronics Development Corporation Ltd.* v. *Seema Sharma*, (2009) 7 SCC 311.

89. This Court in *Palure Bhaskar Rao* v. *P. Ramaseshaiah*, (2017) 5 SCC 783 reiterated the distinction between the principles of 'Seniority-cum-merit' and 'Merit-cum-Seniority'. As far as promotion by 'seniority-cum-merit' or seniority *per se*, the eligible senior cannot be superseded. Other things being equal, the senior automatically get promoted. But in the case of selection based on 'Merit-cum-Seniority', the senior candidate can be superseded if the candidate who is senior is not otherwise eligible to be considered according to the applicable service rules.

90. This Court in its decision in *K. Samantaray* v. *National Insurance Co. Ltd.*, (2004) 9 SCC 286 reaffirmed that when it comes to promotion, apart from the two guiding principles that have come to be accepted namely; 'Seniority-cum-Merit' and 'Merit-cum-Seniority', a third model has also now come to be recognized as a mode of promotion known as the 'Hybrid Mode of Promotion'. This Court while explaining the 'Hybrid Mode of Promotion' observed that the requirement is that seniority is to be duly respected and merit is to be appropriately recognized. The relevant observations read as under:—

"10. […] The third mode (apart from seniority-cum-merit and merit-cum-seniority modes) has been recognized. It has been described as a "hybrid mode of promotion". In other words, there is a third category of cases where seniority is duly respected and merit is appropriately recognized.

11. While laying down the promotion policy or rule, it is always open to the employer to specify area and parameter of weightage to be given in respect of merit and seniority separately so long as policy is not colourable exercise of power, nor has the effect of violating of any statutory scope of interference and other relatable matters. The decision in B.V. Sivaiah case *(supra) is clearly distinguishable on facts and in law. That was a case where statutory rules governed the field. This Court, inter alia, held that fixing terms which are at variance with the statutory rules is impermissible. In the case at hand, prior to the formulation of policy in February, 1990, there were no codified prescriptions. It was the stand of the respondent-*

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employer that prior to the formulation of the policy, certain guidelines existed and the objectives of the policy were to rationalize and codify the existing guidelines relating to promotions within officers cadre. There is no statutory rule operating. It is for the employer to stipulate the criteria for promotion, the same pertaining really to the area of policy making. It was, therefore, permissible for the respondent to have their own criteria for adjudging claims on the principle of seniority-cum-merit giving primacy to merit as well, depending upon the class, category and nature of posts in the hierarchy of administration and the requirements of efficiency for such posts."

(Emphasis supplied)

91. In *Bhagwandas Tiwari* v. *Dewas Shajapur Kshetriya Gramin Bank*, (2006) 12 SCC 574, this Court observed that although the requirement of minimum marks for assessing merit can be prescribed for the purpose of promotion on the basis of 'Seniority-cum-Merit', yet where a very high requirement of minimum marks has been prescribed, the same would amount to laying greater emphasis on merit and thereby departing from the principle of 'Seniority-cum-Merit' and shifting towards to the principle of 'Merit-cum-Seniority' where merit and ability play a predominant role. The relevant observations read as under:—

"11. The principle of "merit-cum-seniority" lays greater emphasis on merit and ability and seniority plays a less significant role. Seniority is to be given weight only when merit and ability are approximately equal.

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20. There is no basis, in the instant case, for the stand that for assessing merit a minimum number of marks has been prescribed. The contention that minimum marks were 45 out of 60, means that an employee is to secure 75% of marks. Such a high percentage cannot be a measure for prescribing minimum marks to assess merit. It obviously would be a case of shifting the focus to merit-cum-seniority principle. In para 37 of Sivaiah case *this Court noted that minimum marks prescribed for assessing merit do not depart from the seniority-cum-merit principle. But the factual position is different here. There is no mention that 45 marks out of 60 relate to the prescription of minimum marks for assessing the merit. In Jalal Uddin case it was noted that in seniority-cum-merit greater emphasis is on seniority though it is not the determinative factor. In the case of merit-cum-seniority, merit becomes a determinative factor. In fact, the position noted by this Court in paras 19, 20, 24 and 25 of Sivaiah case dealt with almost identical fact situation, apart from para 16 of the judgment."*

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(Emphasis supplied)

92. In *Shriram Tomar* v. *Praveen Kumar Jaggi*, (2019) 5 SCC 736, for the purpose of promotion on the basis of 'Seniority-cum-Merit' it was stipulated that the assessment would be on the basis of a written test, interview and performance appraisal for a grand total of 100 marks out of which requirement of a minimum aggregate of 40% marks was prescribed. In addition to the above, a further requirement of minimum 12 marks in one of the components i.e., the interview had also been prescribed.

93.1 This Court held that the principle of 'Seniority-cum-Merit' postulates only one requirement i.e., once the minimum required merit is assessed, thereafter the promotion must be strictly in accordance with the seniority of the candidates having the requisite merit. How the minimum merit ought to be assessed is immaterial.

93.2 As such, prescribing of an additional requirement of minimum marks in any one component of assessment such as interview in addition to the requirement of aggregate minimum marks in the overall assessment process was permissible under the principle of 'Seniority-cum-Merit' provided that the ultimate promotion is taking place as per seniority. The relevant observations read as under:—

> *"13. […] As the promotion to the post of Junior Management Scale II shall be made on the basis of seniority-cum-merit, the only requirement would be that after it is found that the candidates have possessed the minimum necessary merit, namely, minimum 40% qualifying marks in the written test and minimum 12 marks each out of 20 marks each in interview and the performance appraisal reports respectively, thereafter the candidates are required to be promoted in the order of seniority, irrespective of anyone among them having obtained more marks."*

(Emphasis supplied)

93. In *Sujata Kohli* v. *Registrar General, High Court of Delhi*, (2020) 14 SCC 58, this Court observed that since both the channels of promotion to the cadre of District & Sessions Judge being (i) 65% promotion on basis of principle of 'Merit-cum-Seniority' and (ii) 10% promotion strictly on merit through competitive examination postulate the criterion of merit, it necessarily meant that:—

(i) *First*, for the purposes of any promotion through the above two channels, merit would have to play a major role in promotion through these channels and will acquire primacy and that seniority alone cannot be given primacy.

(ii) *Secondly*, the requirement of merit in such promotions cannot be less than the merit which is required at the entry level i.e., in the lower cadres.

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(iii) *Thirdly*, that comparative assessment of merit is crucial, such as through the evaluation of the respective ACRs of the candidates.

Thus, this Court was of the view that the minimum requirement of grade 'A' in ACRs was in consonance with the policy envisaged by the abovementioned two channels of promotion and the relevant observations read as under:—

"14.3 […] As noticed, two channels of recruitment to the posts in the cadre of District Judge have been provided : one by promotion from amongst the Civil Judges (Senior Division) and another by direct recruitment from the eligible persons. As regards promotion, the bifurcation is provided in the manner that 65% are to be recruited by way of promotion on the basis of merit-cum-seniority and 10% by promotion strictly on the basis of merit through limited competitive examination (vide Rule 7 and 7A). […]

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15. Keeping the principles aforesaid in view, when we revert to the scheme of the Rules of 1970, the striking feature is that even at the entry level, the promotions are to be made either on merit-cum-seniority basis or on merit basis. Further, grant of Selection Grade and Super Time Scale is also on assessment of merit-cum-seniority10. In the given scheme of the Rules of 1970, it is difficult to countenance any suggestion that in DHJS, merit could be forsaken at any level or only seniority be given primacy in the matter relating to upward progression to the higher posts of District and Sessions Judge or Principal Judge, Family Court. Rather, looking to the nature of posts, in every higher progression, merit would play a major role and would, perforce, acquire primacy.

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19.1. […] Viewed in the light of such requirements, it goes without saying that any upward progression in DHJS could only be on the higher requirements of merit and in any case, such requirements cannot be lesser than the requirements at entry level. In this view of the matter too, the Appellant was conscious of the fact that for upward movement in DHJS, merit would acquire primacy; and that seniority alone was not going to be decisive for promotion to the higher posts of District and Sessions Judge and the Principal Judge, Family Court. Although there is no requirement in law that criteria for promotion based on ACR alone be also notified but, in any case, in the scheme of the Rules and the requirements of the posts in question, the Appellant cannot contend that she was not aware of the position that comparative merit of the incumbents shall be a crucial factor for any upward progression in the cadre."

(Emphasis supplied)

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c. 'Hybrid-Dynamic Mode of Promotion' in Service Jurisprudence.

94. What can be discerned from the aforenoted decisions is that this Court over the years has consistently held that where promotion is on the basis of the principle of 'Merit-cum-Seniority' a greater emphasis is placed on merit, whereas, when the promotion is on the basis of the principle of 'Seniority-cum-Merit', a greater emphasis is laid on seniority.

95. One must be mindful that the terms 'Merit-cum-Seniority' or 'Seniority-cum-Merit' are not statutorily defined by the legislature.

96. These principles are judicial connotations that have been evolved over a period of years through various decisions of this Court and the High Courts whilst dealing with matters of promotion pertaining to different statutes and service conditions.

97. This Court in *B.V. Sivaiah* (supra), *Rajendra Kumar Srivastava* (supra), *Shriram Tomar* (supra), *Sujata Kohli* (supra) and a catena of other decisions has held that the principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' are conceptually different. Whilst explaining the difference between these two principles, this Court has only gone to the extent of laying down what these principles postulate for the purpose of promotion. In other words, this Court has only gone so far as to lay down what is permissible within the four corners of these principles and by no stretch of imagination has this Court in any manner held that such postulations are *stricto-sensu* required to be complied with.

98. The various decisions of this Court have only developed upon the principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' by explaining the criterions that may be postulated within the framework of these principles for the purpose of promotion. The scope of the aforesaid principles is summarized below : -

I) The principle of 'Seniority-cum-Merit' postulates that:—

i. Minimum requirement of merit and suitability which is necessary for the higher post can be prescribed for the purpose of promotion.

ii. Comparative Assessment amongst the candidates is not required.

iii. Seniority of a candidate is not a determinative factor for promotion but has a predominant role.

iv. Upon fulfilling the minimum qualifications, promotions must be based on *inter-se* seniority.

II) The principle of 'Merit-cum-Seniority' postulates that : -

i. Merit plays a predominant role in and seniority alone cannot be given primacy.

ii. Comparative Assessment of Merit is a crucial, though not a

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mandatory, factor.

iii. Only where merit is equal in all respects can *inter-se* seniority be considered. Meaning that a junior candidate can be promoted over the senior if the junior is more meritorious.

99. The underlying reason why the afore-stated postulations ought not be understood as mandatory stems from the very fact that they are not a result of a legislative creation, but rather one of judicial interpretation whilst dealing with different promotion policies, different service conditions, the varied nature and requirement of posts and more importantly different sets of rules. Since, these postulations have been laid down in different context and varied facts, it would be preposterous to say that such postulations will apply uniformly to all services and matters of promotion including the judicial services.

100. The principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' should by no means be regarded as rigid or inflexible in nature, otherwise, these judicial connotations would effectively assume the character of statutory stipulation laid down through various judicial pronouncements and would become applicable to all types of services, posts and promotions. This would lead to the transgression by the judiciary into the realms of policy making.

101. This Court in *Lt. Gen. Rajendra Singh Kadyan* (supra) whilst explaining the intricacies between the principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' made a pertinent observation that selection for promotion is based on different criteria depending upon the nature of the post and requirements of service, and that such criteria could be said to fall into three categories which include 'Merit-cum-Seniority' and 'Seniority-cum-Merit'.

102. In *Palure Bhaskar Rao* (supra) and *Kavita Kamboj* (supra) this Court equated the principle of 'Merit-cum-Seniority' and 'Seniority-cum -Merit' as modes or methods of promotion. However, modes of promotion should not be conflated with modalities of promotion. The expressions 'Merit-cum-Seniority' and 'Seniority-cum-Merit' in service jurisprudence are nothing but principles which are used to broadly categorize policies pertaining to promotions. They only lay down the broad framework within which specific policies of promotion can be elaborately laid down.

103. In *Bhagwandas Tiwari* (supra) this Court held that where for the purpose of promotion a high threshold of minimum required marks has been prescribed, the same would be an instance of 'Merit-cum-Seniority', even in the absence of a comparative assessment of merit, thus clearly indicating that these postulations are not mandatory. As even without an element of comparative merit, the promotion could be based on 'Merit-cum-Seniority', provided that merit is given prominence over seniority in the promotion process. Therefore, the only

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factor that sets apart 'Merit-cum-Seniority' from 'Seniority-cum-Merit' is whether emphasis is laid on merit or seniority. All other ancillary factors or postulations such as comparative merit or a minimum specified benchmark may or may not be material to these principles.

104. The fluid nature of the principles of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' is further evinced by the decision of this Court in *K. Samantaray* (supra) wherein although the policy stipulated that promotion would be on the basis of 'Seniority-cum-Merit', yet this Court after going through the elaborate promotion policy held that a third mode of promotion known as the "Hybrid Mode of Promotion" has come to be recognized by this Court, wherein it is open for the employer to specify the area and parameter of weight required to be given to merit and seniority for the purpose of promotion. It was further held that it is always open for the employer or the selection body to decide and stipulate their own criteria for adjudging the claims on the principles of 'Seniority-cum-Merit' or 'Merit-cum-Seniority' depending upon the class, category and nature of post and the requirements of efficiency.

105. What can be discerned from the aforesaid is that, wherever the expression 'Merit-cum-Seniority' or 'Seniority-cum-Merit' has been supplemented by an elaborate promotion policy or statutory rules clearly indicating the parameters on which promotions are to be made, the mode of promotion assumes the character of a Hybrid or Dynamic Mode of Promotion as held in *K. Samantaray* (supra).

106. In such scenario, these principles serve as a beacon for the selection body which, in exercise of its delegated legislative powers, can formulate policies and lay down different criteria and conditions of assessment for the purposes of promotion. It does so by providing the selection body with the tools for formulating the promotion policy in the form of the aforementioned postulations or criteria which are permissible under these principles. Thereafter, the selection body can, as a conscious choice, decide the criteria it deems necessary or most suitable for the purpose of promotion keeping in mind the nature of the post, the requirements of service, etc.

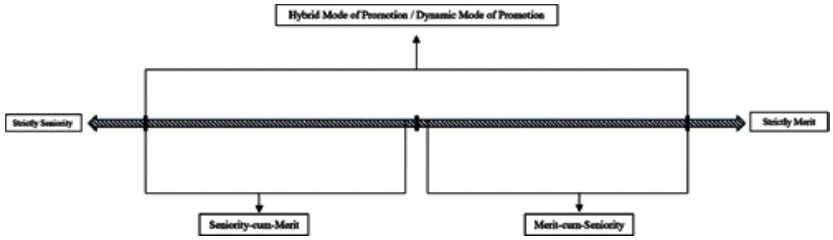
107. For instance, where the promotion is based on 'Merit-cum-Seniority', the selection body may opt for a comparative assessment of merit, more particularly, in cases where the promotions are competitive in nature or it may say that seniority should only be considered where merit is equal in all respect if the post is of such nature that it requires significant knowledge and ability.

108. However, at the same time, this flexibility should not be understood as a complete autonomy. While the statutory rules or, in the absence of the same, the promotion policy formulated must be followed, they must at the same time have some nexus or bearing with the nature of the post and the requirements of service. For instance,

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where the promotion is based on 'Merit-cum-Seniority' and the nature of promotion allows for superseding a senior, the selection body whilst formulating the promotion policy cannot *simpliciter* as a matter of choice refuse to provide for assessment of comparative merit, as the promotion herein is by its nature an accelerated form of promotion and as such comparative assessment becomes crucial.

109. The principle of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' are a flexible and a fluid concept akin to broad principles within which the actual promotion policy may be formulated. They are not strict rules or requirements and by no means can supplant or take the place of statutory rules or policies that have been formulated, if any. These principles are dynamic in nature very much like a spectrum and their application and ambit depends upon the rules, the policy, the nature of the post and the requirements of service. The sketch below illustrates the broad spectrum in which these principles operate:—



110. Thus, the principles applicable to promotion such as the principle of 'Merit-cum-Seniority' and 'Seniority-cum-Merit' can best be described as two ends of a spectrum. They are broad categories or frameworks for promotion and do represent the actual modalities by which promotions are to take place. It is the rules and the promotion policy, along with the intention of the legislature or the selection board, as the case may be, that supplements these principles and delineates the actual modality of how promotion is to take place. Through these rules and promotion policy, the legislature or the selection body specifies the area and the parameters or the weightage which is to be given to the aspect of "Merit" and "Seniority" on the said spectrum.

111. No doubt while construing the rule of 'Seniority-cum-Merit' or 'Merit-cum-Seniority', some of the observations of the decided cases are not uniform. In *State of Mysore* v. *C.R. Seshadri*, (1974) 4 SCC 308 : AIR 1974 SC 460, Krishna Iyer, J., held that if the criterion for promotion is one of 'Seniority-cum-Merit', comparative merit may have to be assessed, if length of service is equal or an outstanding junior is available for promotion.

112. The decision of this Court in *Sujata Kohli* (supra) has been strongly relied upon on behalf of the petitioner herein, however the same is of no avail to them, as in the said case this Court had no occasion to examine the meaning of the expression 'Merit-cum-

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Seniority' in reference to *All India Judges' Association (3)* (supra). This Court in *Sujata Kohli* (supra) only went so far as to say that 'Merit-cum-Seniority' means that neither merit can be forsaken nor seniority alone can be given primacy. 'Merit-cum-Seniority' only stipulates that a balance must be maintained between 'Merit' and 'Seniority' with 'Merit' playing a more predominant role in the selection process.

113. Similarly, the decision in *Dr. Kavita Kamboj* (supra) has also been strongly relied upon by the petitioners, but it is of no avail to them, as the limited question that was involved in the said case was whether minimum marks could be specified for the written exam and the viva voce separately.

114. While laying down the promotion policy or rule, it is always open to the employer to specify the area and parameter or the weightage to be given in respect of merit and seniority separately, so long as the policy is not a colourable exercise of power, nor has the effect of violating any statutory scope of interference and other relatable matters. [See *K. Samantaray* (supra)]

d. High Court as a custodian of the District Judiciary under Article 235 of the Constitution.

115. We should be mindful of the fact that the High Court by virtue of its power under Article 235 of the Constitution undertook the recruitment process for the purpose of promotion. The High Court followed the procedure which it had been following without any departure since 2011. In such circumstances, had the High Court departed from the method of promotion which it had been following since 2011, it could have been argued on behalf of the respondents that they had legitimate expectation that the High Court would not deviate from the method or process they had been adopting since 2011.

116. In the aforesaid context we may make a reference to *R.* v. *Inland Revenue Commissioners, ex parte M.F.K Underwriting Agents Ltd.*, [1990] 1 WLR 1545 where Lord Justice of Appeal, Thomas Bingham, while invoking fairness as a rationale for protecting legitimate expectations, expressed the following:—

> *"If a public authority so conducts itself as to create a legitimate expectation that a certain course will be followed it would often be unfair if the authority were permitted to follow a different course to the detriment of one who entertained the expectation, particularly if he acted on it […] The doctrine of legitimate expectation is rooted in fairness."*

117. In *Madan Mohan Choudhary* v. *State of Bihar*, (1999) 3 SCC 396 this Court held that the High Court's control over the District Judiciary under Article 235 of the Constitution is comprehensive and

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extends to a variety of matters including promotion. The relevant observations read as under:—

"22. In order to ensure their independence, the control over the subordinate courts has been vested in the High Court under Article 235 […]

23. Under this Article, the High Court's control over the subordinate judiciary is comprehensive and extends over a variety of matters, including posting, promotion and grant of leave. The three words, namely, "posting", "promotion" and "grant of leave" used in this article are only illustrative in character and do not limit the extent of control exercised by the High Court over the officers of the subordinate judiciary.

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26. From the scheme of the Constitution, as set out above, it will be seen that though the officers of the subordinate judiciary are basically and essentially government servants, their whole service is placed under the control of the High Court and the Governor cannot make any appointment or take any disciplinary action including action for removal or compulsory retirement unless the High Court is "consulted" as required by the constitutional impact of both the Articles 233 and 234 and the "control" of the High Court indicated in Article 235."

(Emphasis supplied)

118. In *High Court of Judicature for Rajasthan* v. *P.P. Singh*, (2003) 4 SCC 239, it was held that laying down merit criteria for appointment to selection grade was well within the domain of the High Court under Article 235 of the Constitution. The relevant observations read as under:—

"18. It is beyond any pale of controversy that the control over the subordinate courts within the meaning of Article 235 of the Constitution of India is that of the High Court. Such control of the High Court includes general superintendence of the working of the subordinate courts, disciplinary control over the presiding officers, disciplinary proceedings, transfer, confirmation and promotion and appointment etc. Such control vested in the High Court is complete. […]

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24. The submission on behalf of the respondents to the effect that in the matter relating to fixation of criteria for the purpose of appointment to the selection grade, the two-Judge Committee could not be made without consulting all the Judges is stated to be rejected. The said submission is based on a total misconception. Laying down the merit criteria for appointment to the selection grade

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also was within the domain of the High Court. It could not only lay down such criteria but also amend or modify the same from time to time. […]"

(Emphasis supplied)

119. From the aforesaid discussion, it is clear that when it comes to promotion of judicial officers of the District Judiciary, the control vests with the High Court under Article 235 of the Constitution. The High Court being the sole authority in this regard can clearly lay down rules and policies pertaining to promotions which includes the power to specify the criteria and parameters it deems most suitable and appropriate for the purpose of promotion and the manner in which promotion is to be made as long as it is within the contours of what has been laid down in *All India Judges' Association (3)* (supra). Thus, now the only question that remains to be considered is, what is the meaning assigned to "Merit-cum-Seniority" by *All India Judges' Association (3)* (supra).

iv. What is 'Merit-cum-Seniority' for the purpose of Promotion to the cadre of District & Sessions Judges?

a. Intention behind the decision in *All India Judges' Association (3)*.

120. The entire controversy revolves around the interpretation of Rule 5(1) of the 2005 Rules which provides that 65% of the total posts in the cadre of District & Sessions Judge shall be filled by promotion on the basis of the principle of 'Merit-cum-Seniority'.

121. As discussed in the foregoing parts of this judgment, the decision of this Court in *All India Judges' Association (3)* (supra) has laid down the method of recruitment to the posts in the Higher Judicial Service, i.e., District Judges and Additional District Judges. Prior to the said decision, there were only two sources for recruitment to the Higher Judicial Service - *first*, by promotion from amongst the members of the District Judicial Service; and *secondly*, by direct recruitment from among the members of the Bar.

122. This Court in *All India Judges' Association (3)* (supra), with a view to enhance the efficiency of the District judiciary and to create an avenue of accelerated promotions for the relatively junior members of the service, introduced two methods of appointment, one by way of promotion, wherein 50% of the total posts were to be filled by promotion on the basis of the principle of 'Merit-cum-Seniority' through a test assessing the continued efficiency and adequate knowledge of case-law of the judicial officers, and the remaining 25% of the posts were to be filled up by promotions strictly on the basis of merit through the limited departmental competitive examination. At the cost of repetition, the relevant observations read as under:—

"27. *At the same time, we are of the opinion that there has to be*

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certain minimum standard, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e. the District Judge cadre from amongst the advocates should be 25 per cent and the process of recruitment is to be by a competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the subordinate judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by promotion is concerned : 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case-law. The remaining 25 per cent of the posts in the service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard."

(Emphasis supplied)

123. The expressions "*certain minimum standard, objectively adjudged*" and "*in order to ascertain the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case law*" in *All India Judges' Association (3)* (supra) clearly indicate that the intention was to test each candidate on their own merit as this Court never mandated that a comparative assessment of merit was also required. In other words, what is stipulated is the determination of suitability of the candidates and assessment of their efficiency based on whether they possess adequate knowledge of case law. It goes without saying that some standards of suitability and efficiency for continued service is required. The High Court may deny promotion to a Civil Judge (Senior Division) only in case the candidate is not suitable for being promoted to the post of District & Sessions Judge. It was never the intention of this Court that after taking the suitability test, a list should be prepared based on *inter*

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-se merit and the judicial officers should be promoted only if they fall in the said merit list. It cannot be said to be a competitive exam. Only the suitability of the judicial officer is to be assessed and once it is found that the candidate has secured the requisite marks in the suitability test, they cannot be thereafter ignored for promotion.

124. The first change brought around was the introduction of a mandatory assessment of the suitability of the members of the District Judicial Service before promoting them to the Higher Judicial Service. The concept of assessment of suitability was introduced to ensure that a certain minimum standard is maintained in the Higher Judicial Service. The method of devising a suitability test for this purpose was left to the respective High Courts. However, broad guiding principles were laid down by this Court on the contours of the suitability test. It was directed that the suitability test must objectively test the following:—

a. Whether the candidate possesses legal knowledge?

b. Whether the candidate has displayed continued efficiency during his tenure in the feeder cadre?

c. Whether the candidate possesses adequate knowledge of case law?

125. The second change introduced by the aforesaid decision was the creation of a third category of recruitment to the Higher Judicial Service. While the allocation of seats for direct recruitment from the members of the Bar was kept at 25% of the total posts in the Higher Judicial Service, the erstwhile promotional category was split up into two categories - *firstly*, 50% of the posts in the Higher Judicial Service were directed to be filled by promotion on the basis of 'Merit-cum-Seniority'; and *secondly*, the remaining 25% of the seats were directed to be filled by promotion strictly on the basis of merit, through a limited departmental competitive examination.

126. We are of the view that the principle of 'Merit-cum-Seniority' stipulated in Rule 5(1) of the 2005 Rules should be understood in accordance with what has been observed by this Court in paragraphs 27 & 28 respectively of *All India Judges' Association (3)* (supra).

127. It is amply clear from the aforesaid decision that this Court intended to achieve two-fold objectives-

(i) *First*, to ensure that unlike the traditional promotion policy under which seniority alone was considered for promotion, a new policy should be devised under which seniority would be considered for promotion, but only for those candidates who possessed the minimum necessary standard of suitability for the post, and;

(ii) *Secondly*, to prevent loss of motivation amongst the relatively junior members of the service, a third category for promotion to

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the Higher Judicial Service should be created, wherein promotions would be given strictly on the basis merit, to be ascertained through a limited departmental competitive examination.

128. Thus, while the comparison of *inter-se* merit to determine the most meritorious candidates was the procedure to be adopted for filling up the seats under the newly created category, it was never the intention of this Court in the aforesaid decision to mandate the comparative assessment of merit in the category of regular promotions based on seniority. The only additional requirement which was provided for by the aforesaid decision for this category of candidates was the possession of certain minimum objectively determinable standard of suitability. As long as a candidate possesses this standard of suitability, it cannot be said that this Court intended, by the aforesaid decision, to subject such a candidate to a mandatory comparative merit assessment akin to the limited departmental competitive examination and disregard the seniority of such a candidate to prefer those candidates who may have scored a few marks more than him in the suitability test.

129. The objective sought to be achieved by the introduction of a suitability test in the regular promotional category was limited to the assessment of a minimum standard of suitability. It would be incorrect to say that the marks scored by a candidate in the suitability test are proportional to the merit of the candidate. This can be understood with the aid of an illustration - take a case wherein the minimum marks required to be obtained in the suitability test is '*x*'; then for the purpose of 65% promotional quota, as soon as a candidate obtains '*x*' marks in the suitability test, such a candidate becomes eligible for being considered for promotion in that category subject to their seniority vis-à-vis the other suitable candidates. It cannot be said that a candidate who obtains (*x* + 10) marks is more meritorious or more suitable than those candidates who obtain '*x*' or (*x* + 5) marks in the suitability test. Every candidate who scores higher than or equal to '*x*' marks in the suitability test is considered equally suitable and equally meritorious for the purpose of 65% promotional category.

130. We have discussed in detail in the foregoing paragraphs that the concepts of 'Merit-cum-Seniority' or 'Seniority-cum-Merit' are flexible in nature and do not prescribe any fixed or strait-jacket definitions. These definitions take character and substance from the context in which they are employed. Their full import and nuances only become visible when they are exposed to the guiding light of the overall promotional policy of the organisation. The concept of promotions in the District Judiciary is a peculiar one, and one that must be analysed in its own unique context. Unlike most cases on promotions decided by this Court where the interpretation or incorrect implementation of the promotion policy contained in a statute have

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been in question, the present case of promotions to the Higher Judicial Service is one in which the statutory framework itself was created after the decision in *All India Judges' Association (3)* (supra). Thus, any dispute arising out of the respective rules of promotions of different States/Union Territories as devised by their respective High Courts must be construed in the context of various decisions which have ultimately shaped such rules.

131. How 'Merit-cum-Seniority' will apply to promotions within an organization will ultimately depend on the statutory rules, if any, or the promotional policy of such an organisation. We have discussed in detail in the preceding paragraphs that the objective of this Court in *All India Judges' Association (3)* (supra) was to create a new category for accelerated promotions and to introduce a test to ascertain the suitability of candidates in the regular promotional category. While the newly created category was strictly based on merit, the due weightage on seniority in the regular promotional category was not diluted in any manner except for the introduction of the suitability test. We are aware that in a number of decisions of this Court, the term 'merit' has been infused with a competitive and comparative character, however, we are of the opinion that whether the term 'merit' includes a comparative element can only be ascertained from the context in which it is employed and not in isolation from it. Merit only indicates an assessment of qualities which are relevant for the post. It is not synonymous to scores in the competitive examination. Competitive examinations are merely one of the many ways in which the merit of the candidate is determined. This Court in *All India Judges' Association (3)* (supra) notes that merit must be determined based on a limited competitive examination with respect to the 25% (now 10%) of the seats which are to be filled by merit. Thus, this Court clarifies that merit in the context of the 25% (now 10%) of the seats must be determined through the competitive examination while for the 50% (now 65%) of the seats must be determined based on an assessment of specific suitability parameters. Whether the idea of a 'minimum threshold merit' would be antithetical to the concept of 'Merit-cum-Seniority' would again depend on the context and the manner in which the minimum threshold is applied.

132. The term 'Merit-cum-Seniority' in context of 2005 Rules implies that both merit and seniority would be considered in the promotion of a candidate, with merit being determined on the basis of a suitability test. The exact modalities of how merit and seniority are to be apportioned is a legislative function and is to be performed keeping in mind the unique requirements and circumstances of the organization. In the present case, the merit of a candidate is assessed by means of a suitability test, as prescribed under paragraph 27 of the decision in *All*

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India Judges' Association (3) (supra).

133. The contours of the words 'Merit-cum-Seniority' are drawn by this Court in the lines immediately following these words. The phrase "*for this purpose*", as it appears in paragraph 27 of the aforesaid decision, acts as a bridge between the words - "Merit-cum-Seniority" - their substance. For the purpose of 65% promotional quota, this Court, in the said paragraph, has defined "*merit*" as the possession of a minimum standard, or suitability. This Court deliberately did not impart any competitive or comparative character to the term and such intention should be kept in mind while interpreting the term 'Merit-cum -Seniority' for the purpose of the 65% promotional quota.

134. The suitability test assesses multiple aspects of a candidate's merit like knowledge of law, quality of judgments, ACRs, etc. along with the efficiency of the candidate exhibited during the tenure already served. The suitability test is devised in such a manner that all candidates who clear the test can be said to possess more or less the same level of merit. Once a list of all similarly meritorious candidates is prepared, seniority is applied to select the candidates for promotion. Although seniority is applied at the last stage of the selection process, yet merit still plays the pre-dominant role as a candidate who does not possess the necessary suitability becomes ineligible for promotion irrespective of their seniority.

135. We are of the view that it would be incorrect to hold that merely because the test was not one of comparative merit and as seniority was applied at the final stage of the selection process, the process cannot be said to be one not adhering to the principle of 'Merit-cum-Seniority'. As long as 'Merit-cum-Seniority' is applied in the manner it has been explained in the decision in *All India Judges' Association (3)* (supra), wherein both merit and seniority are considered, and merit plays the dominant role, the process of promotion cannot be said to be violative of the principle of 'Merit-cum-Seniority'. The expressions used in the rules should be interpreted bearing in mind the principles enunciated in the aforesaid decision, and not on the basis of the various decisions of this Court that have been decided in entirely different factual situations. Further, if the principle of 'Merit-cum-Seniority' is applied as argued by the petitioners, there would necessarily be no difference between the categories of 'merit' (10%) and 'Merit-cum-Seniority' (65%). It must be noted that the minimum qualifying service for the 65% category according to the 2005 Rules is two-years while that for the 10% category is five-years. Thus, appointment to the former category given the lesser years of minimum service allows relatively junior candidates to supersede the senior candidates based on the suitability test. Thus, while candidates who have two to five years of service will not be eligible to apply for

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promotion for the 10% promotional quota, they may still have the opportunity to apply and be considered for the 65% quota based on securing a minimum of 40% (and 50% aggregate) in each of the following indicators which measures the merit of the candidate : suitability test, evaluation of ACR, assessment of average disposal and evaluation of judgments. Thus, it is beyond any doubt that the criteria prescribed for promotion of candidates to the 65% promotional quota complies with the principle of 'Merit-cum-Seniority'.

136. Words used in a judgment are not to be read as words of a statute, but should be understood in the context of the facts of a given case. (See *Ambica Quarry Works* v. *State of Gujarat*, (1987) 1 SCC 213; *Bharat Petroleum Corporation Ltd.* v. *NR Vairamani*, (2004) 8 SCC 579, *Municipal Corporation Delhi* v. *Mohd Yasin*, (1983) 3 SCC 229). The attempt on the part of the petitioners is to persuade us to take the view that the connotation 'Merit-cum-Seniority' as figuring in the 2005 Rules, should be strictly understood as all merit and no seniority. This is not correct to our understanding. Such attempt must necessarily fail as the words "Merit-cum-Seniority" as they figure in the 2005 Rules read in conjunction with paragraphs 27 and 28 respectively of *All India Judges' Association (3)* (supra), should be interpreted in the context in which they have been used by this Court - which we have discussed elaborately in the foregoing paragraphs.

137. The petitioners have relied on the decision of this Court in *Thampanoor Ravi* v. *Charupara Ravi*, (1999) 8 SCC 74 to contend that the term "Merit-cum-Seniority" has acquired a technical meaning and thus, should be given the meaning which is used ordinarily in relation to it. The relevant passage from the said decision is extracted here : -

> *"22. In ascertaining the meaning of an expression used in a statute, certain norms are adopted. If the legislature has used an expression which has acquired a technical meaning and such expression is used ordinarily in the context of a particular branch of law, it must be assumed that because of its constant use the legislature must be deemed to have used such expression in a particular sense as is understood when used in a similar context. If an expression has acquired a special connotation in law, dictionary or general meaning ceases to be helpful in interpreting such a word. Such an expression must be given its legal sense and no other. In this context, we may refer to the weighty observation in the decision of this Court in* State of Madras *v.* Gannon Dunkerley & Co. (Madras) Ltd. *[AIR 1958 SC 560 : 1959 SCR 379] that a term of well-recognised import in the general law should be accepted as confining the meaning in interpreting the Constitution. If the expression "undischarged insolvent" has acquired a special meaning under the law of insolvency, we must understand that that is the meaning that*

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is sought to be attributed to the expression used in Article 191(1)(c) of the Constitution."

138. The aforesaid contention of the petitioner deserves to be rejected for two good reasons : -

(1) *First*, the observations in the said case have been made in the context of a technical meaning used in a statute. In the present case, the term 'Merit-cum-Seniority' as it appears in the 2005 Rules has been imported verbatim from the decision in *All India Judges' Association (3)* (supra) and thus has to be assigned the meaning as given to it in the said case. Thus, it cannot be said that 'Merit-cum-Seniority' should be assigned the same meaning as understood in other decisions of this Court, or as assigned to it in different statutory provisions.

(2) *Secondly*, the term 'Merit-cum-Seniority', as elaborately discussed hereinabove, is a term of flexible meaning and the exact contours of it depend on the context and the policy in furtherance of which it is used.

139. In *Malik Mazhar Sultan (3)* (supra) this Court directed the High Courts to be practical in matters of promotion to the cadre of District & Sessions Judges and held that the 65% promotion quota of the cadre of District & Sessions Judges should be filled on the basis of the principle of 'Seniority-cum-Merit'. This Court further held that seniority should have a predominant role in giving promotions to Civil Judge (Senior Division) and that the High Court may deny only in case the judicial officer is not suitable for being promoted. The relevant observations read as under:—

"3. We see large number of vacancies of District Judges are lying vacant as the promotion of these posts are not being done timely by the High Court. Considering the large number of vacant posts of District Judges, the High Court should take timely action to fill up these vacancies keeping in mind the principle of seniority-cum-merit. The High Court may deny promotion to a Civil Judge (Senior Division) only in case he/she is not suitable for being promoted and the seniority should always have a predominant role in giving promotion to the Civil Judge (Senior Division) to the post of District Judge. If the posts of District Judges are not filled up in time it is likely that sessions cases may not have timely trial, thereby delaying the whole procedure of justice delivery system. We request the High Court to be practical in the matter of promotion and filling up the posts of the District Judges. It is also brought to our notice that as the promotion policy itself is not working properly, a large number of Civil Judges (Junior Division) are continuing in the same post, causing stagnation from about 15 to 18 years. This is because the timely promotion is not being taken care of by the High Court and

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this should be corrected at the earliest. Now we are told that a total number of 217 posts have been advertised for appointment of Civil Judges (Junior Division) and 12 posts of District Judges (direct).”

(Emphasis supplied)

H. FEW SUGGESTIONS TO MAKE THE SUITABILITY TEST MORE MEANINGFUL

140. We have exhaustively discussed and explained the true meaning to be assigned to the principle of ‘Merit-cum-Seniority’ in context of Rule 5(1) of the 2005 Rules. However, we are of the view that this debate should not come to an end as we propose to convey to the High Court of Gujarat to amend its Rules appropriately in line with the Uttar Pradesh Higher Judicial Service Rules, 1975 where the recruitment process has been elaboratively laid down. We are also of the view that the minimum standard to be objectively assessed by way of a suitability test should be made more efficacious and productive. In this regard, we would like to suggest the following : -

(i) Apart from the four components included in the Suitability Test, an additional fifth component in the form of an Interview or Viva Voce should also be included in order to assess the ability and knowledge of the candidates.

(ii) The High Court may consider enhancing the minimum specified threshold of marks as prescribed in the suitability test and each of its component.

(iii) The evaluation of judgments delivered by the judicial officer being considered for promotion should be of the last two years instead of one year.

(iv) Instead of seniority being considered at the very last stage of the process, some marks may be allocated for seniority at the stage of suitability test and thereafter, the final select list may be prepared on the basis of total marks.

I. CONCLUSION

141. We summarise our final conclusion as under:—

(A) What has been conveyed, in so many words, by this Court in *All India Judges' Association (3)* (supra) is that the suitability of each candidate should be tested on their own merit. The aforesaid decision does not speak about comparative merit for the 65% promotional quota. In other words, what is stipulated is the determination of suitability of the candidates and assessment of their continued efficiency with adequate knowledge of case law.

(B) For the 65% promotional quota this Court in *All India Judges' Association (3)* (supra) did not state that after taking the suitability test, a merit list should be prepared and the judicial officers should be promoted only if they fall in the said merit list.

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It cannot be said to be a competitive exam. Only the suitability of the judicial officer is determined and once it is found that candidates have secured the requisite marks in the suitability test, they cannot be thereafter ignored for promotion.

(C) However, we clarify that for the 65% promotional quota, it is for a particular High Court to prescribe or lay down its own minimum standard to judge the suitability of a judicial officer, including the requirement of comparative assessment, if necessary, for the purpose of determining merit to be objectively adjudged keeping in mind the statutory rules governing the promotion or any promotion policy in that regard.

(D) We find no fault with the promotion process adopted by the High Court of Gujarat as the same fulfils the twin requirements stipulated in paragraph 27 of *All India Judges' Association (3)* (supra) being : -

(I) The objective assessment of legal knowledge of the judicial officer including adequate knowledge of case law and;

(II) Evaluation of the continued efficiency of the individual candidates.

(E) The four components of the Suitability Test as prescribed under the recruitment notice dated 12.04.2022 comprehensively evaluate (i) the legal knowledge including knowledge of the case law through the objective MCQ - based written test AND (ii) the continued efficiency by evaluation of the ACRs, average disposal and past judgments of the concerned judicial officer.

(F) We are of the view that if the contention of the petitioners were to be accepted then it would completely obliterate the fine distinction between the two categories of promotion in the cadre of District & Sessions Judge by way of 65% promotion on the basis of 'Merit-cum-Seniority' and 10% promotion strictly on the basis of merit. In other words, the 65% quota for promotion will assume the character of the 10% quota for promotion by way of a departmental competitive examination which is distinct in its nature since the latter is strictly based on merit.

(G) Deviating from the process of promotion duly followed by the High Court of Gujarat since 2011 would cause grave prejudice to those judicial officers who lost out in the previous selections to the Higher Judicial Service despite having scored higher marks in the suitability test since, judicial officers who were relatively senior were promoted to the cadre of District & Sessions Judges. Accepting the argument of the petitioners would completely flip the process and displace the respondents once again, for a contrary reason.

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142. We clarify that this judgment shall not be construed to invalidate the promotions to the Higher Judicial Service granted by other High Courts based on a construction of their own rules and requirements of service in the state judiciary. If any challenge to such promotion process is pending, it shall be dealt with independently by the High Court or the forum where any issue is pending.

143. For all the foregoing reasons, we have reached the conclusion that the impugned final Select List dated 10.03.2023 is not contrary to the principle of 'Merit-cum-Seniority' as stipulated in Rule 5(1)(I) of the 2005 Rules.

144. In the result, the present petition fails and is hereby dismissed. Interim Order granted earlier stands vacated.

145. The parties shall bear their own costs.

146. Pending application(s), if any, shall also stand disposed of.

———

[1] *High Court of Calcutta* v. *Amal Kumar Roy*, (1963) 1 SCR 437.

[2] Henry Campbell Black, *Black's Law Dictionary*, p. 1528 (6th Edn., 1968).

[3] H. Gerth and C.W. Mills, *From Max Weber : Essays in Sociology*, 199, 202 (Oxford University Press, New York, 1958).

[4] *K.K. Parmar* v. *High Court of Gujarat*, (2006) 5 SCC 789.

[5] *Kartar Kaur* v. *State*, 1967 SLR 34.

[6] H. Eliot Kaplan, *The Law of Civil Services* (New York University Press, Mathew Bender & Company, New York, 1958).

[7] *Id.*

[8] Elman, B.A., *Political, social, and cultural reproduction via civil service examinations in late imperial China*, 50(1) Journal of Asian Studies, pp.7-28 (1991).

[9] Jenifer Hart, *The genesis of the Northcote-Trevelyan report*, in Studies in the growth of nineteenth century government pp. 63-81 (Ed. Gillian Sutherland, Routledge & Kegan Paul, London, 1972).

[10] Kaplan, N.I., *A changing culture of merit : French competitive examinations and the politics of selection*, pp. 1750-1820 (Columbia University Press, 1999).

[11] The Macaulay Committee's Report on the Indian Civil Service 1854.

[12] History of the Commission, Union Public Service Commission.

[13] S. REP. No. 969; recited from O'Rourke, 1993, p. 344.

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PART - IV-A

Rules and Orders (Other than those published in Part-I, I-A and I-L) made by the Government of Gujarat under the Central Acts.

LEGAL DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 9th May 2005

Constitution of India

No.GK/2005/5 /JSR/1982/994/D:- In exercise of the powers conferred by the proviso to Article 309 read with Article 234 of the Constitution of India, the Governor of Gujarat, after consultation with the High Court of Gujarat and the Gujarat Public Service Commission, and in supersession of the Gujarat Judicial Services Recruitment Rules, 1961 hereby makes the following Rules regulating the Recruitment to the Gujarat State Judicial Service, namely:-

CHAPTER I

PRELIMINARY

1. Short Title and Commencement:

(1) These Rules may be called the "Gujarat State Judicial Service Rules, 2005".

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions – In these Rules, unless the context otherwise requires –

(a) "Appointing Authority" means the High Court or the Government as the case may be;

(b) "Government" means the Government of Gujarat;

(c) "Governor" means the Governor of Gujarat;

(d) "High Court" means the High Court of Gujarat;

(e) "Official Gazette" means the Gujarat Government Gazette;

(f) "Existing Rules" means the Gujarat Judicial Services Recruitment Rules, 1961;

(g) "Recruiting authority" means High Court of Gujarat.

(h) "Schedule" means schedule appended to these Rules;

(i) "Service" means the State Judicial Service;

(j) "State" means the State of Gujarat.

CHAPTER II

CONSTITUTION OF THE SERVICE

3. (1) On and from the date of commencement of these Rules, there shall be constituted a State Service known as the Gujarat State Judicial Service.

(2) With effect from commencement of these Rules, the Service shall consist of the cadres and the posts specified below in column 2 and 3 respectively, and the existing posts specified in column 4 shall stand designated as the cadres specified in the corresponding entries in column 2 below.

Sr. No 1	Cadres 2	Posts 3	Existing Posts 4
1	District Judge	. Principal Judge and other judges of the City Civil Court	1. Principal Judge and Other Judges of the City Civil Courts.
		2. Principal District Judges	2. District Judges
		3. Additional District Judges	3. Joint District Judges
2	Senior Civil Judge	.Principal Senior Civil Judge	1. Assistant Judges
		. Additional Senior Civil Judge	2. Chief Judge and Additional Chief Judge, Small Causes Court.
		. Chief Judge and Additional Chief Judge, Small Causes Court	3. Chief Metropoli- tan Magistrate and Additional Chief Metropolitan Magistrate.
		. Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate	4. Civil Judge (Senior Division)
		5. Chief Judicial Magistrate	5. Chief Judicial Magistrates.
		6. Metropolitan Magistrates	6. Metropolitan Magistrates.
		Judges of Small Causes Court	7. Judges of Small Causes Court.
3	Civil Judge	1. Principal Civil judge.	1. Civil Judge (Junior Division)
		2. Additional Civil Judge	2. Judicial Magistrate First Class
		3. Judicial Magistrates First Class.	

CHAPTER III

RECRUITMENT

4. **Appointing Authority** – The appointing authority for the cadre of District Judges and Civil Judges shall be the Government of Gujarat and for the cadre of Senior Civil Judges shall be the High Court.

5. **Method of recruitment, qualification and age limit** –

(1) Recruitment to the cadre of District Judges shall be as under, -

(I) *50 per cent by promotion from amongst the Senior Civil Judges on the* basis of principle of merit-cum-seniority and passing a suitability test.

(I) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Senior Civil Judges having not less than five years qualifying service, and

(II) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by the High Court.

(2) In order to be eligible for the appointment by direct recruitment to the cadre of District Judges, the incumbent -

(a) must possess a degree in law from the University established by law in India.

(b) must be a practicing Advocate in Courts of Civil and Criminal jurisdiction on the last date fixed for receipt of applications and must have so practiced for a period not less than seven years as on such date.

Explanation: For the purpose of this clause in computing the period during which a person has been an Advocate there shall be included the period during which he has held Judicial Office.

(c) must have attained the age of thirty five years and must not have attained the age of forty eight years in the case of candidates belonging to Scheduled Castes, Scheduled Tribes or Other Backward Classes and forty five years in the case of others, as on the last date fixed for receipt of applications.

(3) (I) For being eligible for promotion against 50% of the total posts in the cadre of District Judges required to be filled by promotion on the basis of the principle of merit-cum-seniority, the qualifying service as Senior Civil Judge, shall not be less than two years service in the cadre.

(II) For eligibility for promotion against the remaining 25% posts required to be filled in by promotion strictly on the basis of merit through limited departmental competitive examination, the qualifying service as Senior Civil Judge shall not be less than five years.

6. **Senior Civil Judges:**

The posts in the cadre of Senior Civil Judges shall be filled up by promotion from the cadre of Civil Judges selected by the High Court on the basis of merit-cum-seniority from amongst the Civil Judges who have put in not less than five years of service.

7. **Civil Judges:**

(1) Recruitment to the cadre of Civil Judges shall be made on the basis of aggregate marks obtained in a competitive examination conducted by the High Court.

(2) In order to be eligible for selection by direct recruitment to the cadre of Civil Judges, the candidate

(a) must possess a degree in law from the University established by law in India;

(b) must be practicing as an Advocate in courts of Civil and/or Criminal jurisdiction on the last date fixed for receipt of applications; or must have worked in Courts or other allied departments for at least five years; and

(c) must not have attained the age of thirty five years and must not have completed as on the last date fixed for receipt of applications thirty eight years of age in the case of candidates belonging to Scheduled Caste or Scheduled Tribe.

Provided that if the High Court has made any order under Article 16(4) or 16(4-A) of the Constitution providing reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes the recruitment shall be subject to such order.

8. **Competitive examination** :-

(1) (a) the competitive examination for recruitment to the cadre of District Judges shall consist of -

a written examination of not less than two hours duration with 200 maximum marks.

(ii) A viva voce with 50 maximum marks.

(b) All candidates who obtain sixty percent or more marks or corresponding grade in the written examination shall be eligible for the viva voce.

(c) Selection of candidates shall be made on the basis of cumulative grade value obtained in the written examination and viva voce.

(2) (a) The competitive examination for recruitment of Civil judges shall consist of

a written examination of not less than 2:00 hours duration with 200 maximum marks

(i) Viva Voce of 50 marks.

(b) All candidates who obtain sixty percent marks or more marks or corresponding grade in the written examination shall be eligible for viva-voce.

Provided that Scheduled Caste, Scheduled Tribe and Other Backward Class candidates who obtain fifty percent or more marks or corresponding grade in the written examination shall be eligible for the viva voce.

(c) Selection of candidates shall be made on the basis of cumulative grade value obtained in the written examination and viva voce;

(3) The object of the viva voce examination under sub-rules (1) and (2) is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like, of the candidate.

(4) All necessary steps not provided for in these rules for recruitment shall be decided by the High Court.

(5) The mode of evaluating the performance and grading in the written examination and viva voce shall be as specified in **Schedule "A"**.

9. **Disqualification for appointment: -** No person shall be eligible for appointment to the service -

(a) unless he is a citizen of India,

(b) if he is dismissed from service by Central Government or any State Government or U.Ts or any High Court or statutory or local authority,

(c) if he has been convicted of an offence involving moral turpitude or who is or has been permanently debarred or disqualified by any High Court or the Union Public Service Commission or by any recruiting or examination conducting authority from appearing in examinations or selections,

(d) if he directly or indirectly influences the recruiting authority by any means for his candidature,

(e) if he is a man, has more than one wife living and if a woman has married a man already having another wife.

10. **Recruitment** :-

(1) To fill a vacancy required to be filled by promotion the recruiting authority shall take all necessary steps well in advance so as to finalize the list of persons considered eligible for promotion at least 10-15 days before the occurrence of the vacancy.

(2)

(i) Whenever three or more vacancies required to be filled by direct recruitment occur in a cadre in the service or once in two years, whichever is earlier, the recruiting authority shall, invite by advertisement in the Official Gazette and in at least two newspapers, applications in such form as it may determine from intending candidates, who possess the prescribed qualifications. The advertisement shall indicate the number of vacancies notified for recruitment and the number of vacancies, if any, reserved for the Scheduled Caste, Scheduled Tribes and Other Backward Classes and shall contain all necessary information relating to the recruitment. It shall also indicate that an additional list of selected candidates would be prepared as per clause (iv),

(ii) The decision of the recruiting authority as to the eligibility or otherwise of a candidate for admission to the written and viva voce examination shall be final. No candidate to whom certificate of admission has not been issued by the recruiting authority shall be admitted for the examination,

(iii) The recruiting authority shall on the basis of cumulative grade value secured by the candidate, and taking into consideration the orders, if any in force relating to reservation of posts for Scheduled Castes, Scheduled Tribes and Other Backward Classes, prepare in the order of merit, assessed as provided in Schedule - "A", a list of candidates eligible for appointment. The number of names of candidates to be included in the list shall be equal to the number of vacancies notified,

(iv) The recruiting authority shall in accordance with the provisions of clause (iii), also prepare an additional list of names of candidates not included in the list of candidates prepared under clause (iii) above, in which the number of candidates to be included, shall, as far as possible, be ten percent of the number of vacancies notified for recruitment or one, whichever is higher,

(v) The lists so prepared under clause (iii) and (iv) above shall be published in the Official Gazette and they shall cease to be operative on the expiry of one year from the date of such publication,

(vi) Candidates whose names are included in the list prepared under clause (iii) above shall be considered for appointment in the order in which their names appear in the list and subject to rule 9 and rule-11, they may be appointed by the appointing authority in the vacancies notified under clause (i) above. Candidates whose names are included in the additional list may be similarly considered for appointment against unfilled notified vacancies after the candidates whose names are included in the list published under clause (iii) above have been appointed. Inclusion of the name of a candidate in any list prepared under clause (iii) or (iv) shall not confer any right of appointment to such candidate.

11. **Conditions relating to suitability, fitness and character:-**

(1) No person selected for appointment by direct recruitment shall be appointed -

(i) unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the service,

(ii) unless he is certified by the medical authority specified by the High Court for the purpose that he is medically fit to discharge the duties of the post to which he is selected for appointment.

(2) Every candidate selected for appointment by direct recruitment shall furnish certificates, given not more than six months prior to the date of the application, from two respectable persons unconnected with his college or university and not related to him testifying to his character, in addition to the certificate which may be required to be furnished from the educational institution last attended by him.

12. **Fees:-** Every candidate for direct recruitment may be required to pay such fees as may be specified in the notification inviting applications:

Provided that in the case of a candidate belonging to Scheduled Caste or Scheduled Tribes or Other Backward Classes the fees payable shall be one half of the fees specified in the notification for other candidates.

13. **Joining time for appointment.**

(1) A candidate by direct recruitment shall report for duty before the authority on the date specified in the order of appointment.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing grant such further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in the sub-rule (1) or within the further time granted under sub-rue (2) shall stand deleted from the list of selected candidates and he shall cease to be eligible for appointment.

CHAPTER IV

PROBATION AND OFFICIATION

14. Probation and Officiation

(1) All appointments to the service by direct recruitment shall be on probation for a period of two years.

(2) All appointments by promotion shall be on officiating basis for a period of two years.

(3) The period of probation or officiation, as the case may be, for reasons to be recoded in writing may be extended by the appointing authority by such period not exceeding the period of probation or officiation, specified in sub-rules (1) or (2) as the case may be.

(4) At the end of the period of probation or officiation or the extended period of probation or officiation, as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he has been appointed or promoted, and –

(i) if it decides that he is suitable to hold the post to which he was appointed and has passed the special examinations or tests, if any, required to be passed during the period of probation or officiation, as the case may be, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation or officiation, as the case may be, and such an order shall have effect from the date of expiry of the period of probation or officiation, including extended period, if any, as the case may be.

(ii) if the appointing authority considers that the person is not suitable to hold the post to which he was appointed or promoted as the case may be, shall by order,

(a) if he is a promotee, revert him to the post which he held immediately prior to his promotion.

(b) if he is a probationer, discharge him from service.

(5) A person shall not be considered to have satisfactorily completed the period of probation or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation as the case may be.

15. Discharge of a probationer during the period of probation –

(1) Notwithstanding anything contained in rule 14, the appointing authority may, at any time during the period of probation, discharge from service, a probationer on account of his unsuitability for the service.

(2) An order under sub-rule (1) shall indicate the grounds for the discharge but no disciplinary enquiry shall be necessary.

16. **Appeal** : No appeal shall lie against an order under rule 14 or rule 15 discharging a probationer or reverting a promotee to the post held by him immediately prior to the promotion.

17. **Confirmation** :- A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be appointed on long term basis as a full member of the service in the category of post to which he was appointed or, as the case may be, promoted and shall be confirmed at the earliest opportunity against the substantive post.

18. **Increment during the period of probation or officiation.**

(1) A probationer or promotee may draw the increment that fall due during the period of probation or officiation. He shall not however draw any increment after the expiry of the period of probation or officiation unless and until he is declared to have satisfactorily completed probation or officiation, as the case may be.

(2) When probationer or promotee is declared to have satisfactorily completed the probation or officiation, as the case may be, he shall draw, as from the date such order takes effect, the pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment on probation or officiation, as the case may be.

CHAPTER - V

SENIORITY

19. (1) District Judges :-

(i) Without prejudice to the existing relative seniority of District Judges in the reconstituted cadre of District Judges, all future appointments to the cadre of District Judges by promotions and by direct recruitment in the quota prescribed under Rule 5(1) shall be made as per the roster prescribed at **Schedule-"B".**

(ii) For the purpose of fixing existing relative seniority in the cadre of District Judges, the seniority of the direct recruit District judge in the cadre of District Judges would be reckoned from the date he is appointed to work as District Judge and the seniority of a promotee District Judge would reckon from the date of his promotion, appointing him to work as District Judge.

Provided that, the period of service rendered as Assistant Judge by an incumbent, directly recruited to the cadre of District Judges, in terms of proviso to rule 6(2)(i)(b) of the Existing Rules, 1961, will be counted for the purpose of Seniority in the cadre of District Judges.

(iii) In the cadre of District Judges, the common seniority of the incumbents of the amalgamated cadres of District Judges and City Civil Judges will be fixed on the basis of the initial date of appointment / promotion as

District Judge and the initial date of appointment as City Civil Judge in the Ahmedabad City Civil Court.

Provided that the seniority of a District Judge appointed by transfer as City Civil Judge shall be reckoned from the date of his initial appointment or promotion as District Judge.

(2) **General** :

(i) An officer appointed in accordance with the rules of recruitment on regular basis shall be senior to persons appointed on ad hoc basis.

(ii) Where officers are recruited to a cadre by promotion and direct recruitment the officers recruited by promotion shall take precedence over the directly recruited officers where the date of their appointment is same.

(iii) Save as provided in sub-rule (iv), (v) and (vi) seniority of officers appointed by direct recruitment or promotion shall be determined according to the date on which they report for duty.

(iv) Where more than one officer is promoted to a cadre at the same time the inter-se-seniority of persons so promoted shall be determined by their inter-se seniority in the lower cadre.

(v) Where direct recruitment is made to a cadre the inter-se-seniority of persons so recruited shall be the order in which their names are arranged in the select list.

(vi) Every year in the month of January seniority lists of officers in all cadres shall be prepared and published by the High Court and the lists so published shall be used for the purpose of making promotions to the next higher cadre.

CHAPTER-VI

MISCELLANEOUS

20. **Age of superannuation** - The age of superannuation of a member of the service shall be sixty years.

Provided that the appointing authority may re-employ a retired Judicial Officer till the age of 62 years in public interest if there are vacancies in the cadre of District Judges.

21. **Addition of certain service for purpose of pension** – An Advocate appointed as a Civil Judge or a District Judge shall be entitled to reckon, as service qualifying for superannuation pension, the actual period of practice put in by him at the Bar not exceeding three years or seven years respectively.

Provided that the benefits of the Gujarat Civil Service (Pension) Rules, 2002 shall continue to apply to the Judicial Officers appointed prior to the date of commencement of these Rules unless they opt otherwise.

(1) Notwithstanding anything contained in these Rules the Governor shall, on the recommendation of the High Court, if he is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service who has attained the age of 50 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

(2) Whether a member of the service should be retired in public interest under sub-rule (1) shall be considered at least three times, that is, when he is about to attain the age of 50 years, 55 years and 58 years.

Provided that nothing in sub-rule (2) shall be construed as preventing consideration of a member of the service at any time other than those mentioned therein.

22. **Training -**

(i) Every member appointed by direct recruitment to the service shall, before he is given a posting, undergo such training as may, from time to time, be prescribed by the High Court.

(ii) Every member of the service shall be given such periodical training as the High Court may, from time to time, prescribe.

23. **Application of Other Rules:**
All Rules regulating the conditions of service of the members of the State Civil Services made from time to time under any law or the proviso to Article 309 of the Constitution of India, in so far as they are not inconsistent with these Rules, shall be applicable to the members of the Service.

24. **Repeal and Savings:**

(1) The Gujarat Judicial Services Recruitment Rules, 1961 are hereby repealed.

However, the said repeal shall not affect:

(a) The previous operation of the said rules or any thing duly done or suffered thereunder or any right, liability or obligation acquired, accrued or incurred under the said Rules;

(b) The validity of the list of selected candidates for the post of District Judges or Civil Judges (Junior Division), as the case may be, prepared under the repealed rules and appointment of such selected candidates.

(2) All proceedings (including action taken to make recruitment and preparation of the list of selected candidates) commenced under the repealed rules and pending on the date of commencement of these rules shall be continued and completed in accordance with the repealed rules as if they have not been repealed.

By order and in the name of Governor of Gujarat,

BELA TRIVEDI
Secretary & RLA
Legal Department.

SCHEDULE – A

[See rule 8(5) & 10]

EVALUATING PERFORMANCE IN COMPETITIVE EXAMINATIONS FOR JUDICIAL SELECTION

The system operates as follows:

1. The questions in the question paper may carry numerical marks for each question.

2. The examiner may assign numerical marks for each sub-question which may be totaled up and shown against each full question in numbers.

3. The tabulator will then convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of marks	Grade	Grade Value
70 % and above	O	7
65 % to 69 %	A+	6
60 % to 64 %	A	5
55 % to 59 %	B+	4
50 % to 54 %	B	3
45 % to 49 %	C+	2
40 % to 44 %	C	1
Below 40 %	F	0

4. After converting the numerical marks of each question into the appropriate grade according to the formula given in the first column above, the tabular will re-convert the Grades obtained for each question to the Grade value according to the value given in the third column above.

What is now obtained is the relative Grade value of each answer in the question paper obtained by the candidate in a seven point scale (i.e. 'O' to '7').

The tabulators next task is to add up those Grade Values and divide the sum total by the number of questions in the answer book including the questions unanswered by the candidate. What is thus obtained is the Cumulative Grade Value Average (CGVA) obtained by the candidate at the examinations. Suppose the CGVA comes to '4', the grade obtained by the candidate at the examination is "B+". If the CGVA is '6', the Grade of the candidate is "A+".

5. Thus organized, the result of the written examination will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to a much higher degree. Of course, the tabulation record sheet can carry the numerical marks as well for reference and re-checking whenever needed. A proper computer programme can do all these operations in minutes.

6. What happens if there are several successful candidates obtaining the same grade and the available positions are fewer in number ? How do you rank them to determine who is to be given the job ? Of course, this situation can develop with numerical marking also where person with one mark or half a mark difference are given advantage. This is unfair given the fact that in actual practice this may happen because of the play of subjective elements on the part of the individual examiners. What is therefore recommended is a similar vigorous and objective grade value exercise for the viva-voce examination as well.

7. At the end of each day's interview the tabulator will convert the numerical marks assigned to each category into grades and then to grade values. This will then be totaled up and the Cumulative Grade Value Average of each candidate interviewed will be obtained.

8. Thus a separate list of candidates interviewed and the Grades obtained in the viva-voce will be readied which will naturally be far more fair and transparent with little scope for corrupt practices to creep in. Again, for ready reference, the result sheet may carry the numerical marks side by side with grades.

9. The final selection list will be readied by combining the Cumulative Grade Value obtained in the written examination and the viva-voce examination.

Since in practice many candidates who have obtained less than a prescribed grade (say B+) in the written examination will not be called for viva-voce examination, the combined tabulation has to be done only with reference to fewer candidates, possibly one-tenth or even less of the total number of applicants for the job.

10. If the viva-voce is rigorous and higher marks are given only to those who are outstanding in all categories of evaluation given in the proforma, the chances are very few will obtain higher grades (like 'O' or 'A') and their numbers may be just within the available vacancies. There may be some borderline cases where it is difficult to determine who is to be included and whom to be excluded. This dilemma may be resolved by a second interview between those candidates by the same board or alternatively looking at the difference in numerical scores between them similarly placed in grades.

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HON. JUDGES' LIBRARY HIGH COURT AHMEDABAD

SCHEDULE – B
[See rule 19(1)(i)]

RULE RELATING TO ROSTER IN RESPECT OF THREE WAYS RECRUITMENT IN THE CADRE OF DISTRICT JUDGES.

"Without prejudice to the existing relative seniority of the member of the higher judicial service, all future appointments to the cadre of District Judges by promotions and direct recruitments in the quota prescribed under these Rules shall be made as per the roster prescribed. Accordingly, in a lot of hundred posts in the amalgamated cadre of District Judges –

(i) posts falling at Sr. Nos. 1, 2, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29, 30, 33, 34, 37, 38, 41, 42, 45, 46, 49, 50, 53, 54, 57, 58, 61, 62, 65, 66, 69, 70, 73, 74, 77, 78, 81, 82, 85, 86, 89, 90, 93, 94, 97 and 98, are required to be reserved and earmarked for promotees from amongst senior Civil Judges on the principle of merit cum seniority,

(ii) the posts at Sr. No. 3, 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 79, 83, 87, 91, 95 and 99, are required to be reserved for promotees from amongst the Senior Civil Judges on the basis of the criterion of merit only and,

(iii) the posts at Sr. No. 4, 8, 12, 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 72, 76, 80, 84, 88, 92, 96 and 100, are required to be filled in from direct recruits from amongst the eligible advocates as per the rules."

BELA TRIVEDI
Secretary & RLA
Legal Department.

Government Central Press, Gandhinagar.

-TRUE COPY-

ANNEXURE-P/2

Extra No. 56

REGISTERED No. G/GNR/2

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rule and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

LEGAL DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 23rd June, 2011.

CONSTITUTION OF INDIA.

NO.GK/ 17 /2011/JSR/1982/994/D,(Part-II) :- In exercise of the powers conferred by the proviso to article 309 read with Articles 233 and 234 of the Constitution of India, the Governor of Gujarat after consultation with the High Court of Gujarat hereby makes the following rules further to amend the Gujarat State Judicial Service Rules,2005 namely :-

1. Short Title and Commencement :

(1) These rules may be called the Gujarat State Judicial Service (Amendment) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Gujarat State Judicial Service Rules,2005 (herein after referred to as " the said rules") in rule 5,

(1) for sub-rule (1) the following shall be substituted namely :-

(1) Recruitment to the cadre of District Judge shall be as under.-

(i) 65 percent of posts shall be filled in by promotion from amongst the Senior Civil Judge on the basis of principle of merit-cum-seniority and passing a suitability test.

(ii) 10 percent of posts shall be filled in by promotion on the basis of merit through competitive examination from amongst Senior Civil Judges having note less than five years qualifying service:

Provided that when candidates are not available for 10% seats or are not able to qualify in the competitive examination, then the vacant posts shall be filled in by regular promotion in accordance with clause (i) above,

(iii) 25 percent of the posts shall be filled in by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test to be conducted by the High Court:

Provided that all the vacancies shall be filled up in the particular year and unfilled post shall not be carried forward.

(2) in sub- rule (3),

(i) in clause (i), for the figure and sign "50 %", the figure and sign "65 %", shall be substituted.

(ii) in clause (ii), for the figure and sign "25 %", the figure and sign "10 % ", shall be substituted.

3. In the said rules, for rule 8,the following shall be substituted namely :-

(1) the competitive examination for direct recruitment to the cadre of District Judge or Civil Judges shall consist of :-

(i) a written examination of not less than two hours of duration with 200 maximum marks; and

(ii) viva voce test of maximum 50 marks.

(2) the candidates who obtain fifty percent (50 %) or more marks in the competitive examination conducted for direct recruitment to the cadre of District Judge or Civil Judge, shall be eligible for being called for Viva-vice;

Provided that the candidates belonging to Schedule Castes and Schedule Tribes who obtain forty five percent (45 %) or above marks, in the written examination, conducted for direct recruitment to the cadre of Civil Judges, shall be eligible for being called for Viva-Voce.

(3) the minimum qualifying marks in the Viva-voce conducted for direct recruitment to the cadre of District Judge and Civil Judge, shall be forty percent (40 %) of marks.

(4) merit list shall be prepared on the basis of total marks obtained in the written examination and Viva-Voce Test (interview).

(5) the object of the Viva-Voce Test (interview) is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like, of the candidate.

(6) all necessary procedure not provided for in these rules for recruitment shall be decided by the High Court.

4. In the said rules, in rule 10,in sub-rule (2), in clause (iii),

(i) for the words "cumulative grade value", the words "aggregate marks" shall be substituted.

(ii) the words " assessed as provided in Schedule-A" shall be deleted.

5. In the said rules, in rule 19, in sub-rule (i),in clause (i), for the words "at Schedule-B", the words " in Schedule-A. However, the roster shall be applicable for the respective calendar year only." shall be substituted.

6. In the said rules, existing Schedule-A shall be deleted and for existing Schedule-B " the Schedule" attached to these rules shall be substituted.

By order and in the name of the Governor of Gujarat,.

M. J. PARASHAR,
Deputy Secretary to Government.

SCHEDULE

[see rule 19(1)D)]

RULE RELATING TO ROSTER IN RESPECT OF THREE WAYS RECRUITMENT IN THE CADRE OF DISTRICT JDUGES.

"Without prejudice to the existing relative seniority of the member of the higher judicial service, all future appointment to the cadre of District Judges by promotions and direct recruitments in the quota prescribed under these Rules shall be made as per the roster prescribed. Accordingly, In a lot of hundred posts In the amalgamated cadre of District Judges -

I) Post falling at Sr. Nos. 1, 2, 5, 6, 7, 9, 10, 11, 14, 15, 17, 18, 19, 21, 22, 25, 26, 27, 29, 30, 31, 34,35,37,38,39,41,42,45,46,47,49,50,51,54,55,57,58,59,61,62,65,66,67,69,70,71,74,75,77,78,79, 81,82,85,86,87,89,90,91,94,95, 97,98,and 99 are required to be reserved and earmarked for promotes from amongst Senior Civil Judges on the principle of merit cum seniority.

ii) The post at Sr. No. 3,13,23,33,43,53,63,73,83 and 93 are required to be reserved for promotes from amongst the Senior Civil Judges on the basis of the criterion of merit only and,

iii) The Sr.No.4,8,12,16,20,24,28,32,36,40,44,48,52,56,60,64,68,72,76,80, 84, 88, 92, 96 and 100 are required to be filled in from direct recruits from amongst the eligible advocates as per the rules."

By order and in the name of the Governor of Gujarat,

M. J. PARASHAR,
Deputy Secretary to Government.

ANNEXURE-P/3

HIGH COURT OF GUJARAT AT SOLA, AHMEDABAD

Website: www.gujarathighcourt.nic.in **AND** https://hc-ojas.gujarat.gov.in

NO. RC/1250/2023

RECRUITMENT NOTICE – DISTRICT JUDGE (65%)

PROMOTION TO THE CADRE OF DISTRICT JUDGE (65%) FROM AMONGST THE SENIOR CIVIL JUDGES ON THE BASIS OF PRINCIPLE OF MERIT-CUM-SENIORITY AND PASSING A SUITABILITY TEST.

1. VACANCIES AND PAY-SCALE :

(i) In view of the guidelines of the Hon'ble Supreme Court in the case of **Malik Mazhar Sultan & Anr. Vs. U.P.Public Service Commission & Ors.** and **The Gujarat State Judicial Service Rules, 2005, as amended from time to time,** The High Court of Gujarat has decided to fill up **82 (59 + 23*)** vacancies in the cadre of **District Judges (65%)** by promotion from amongst the Senior Civil Judges having **not less than two years of qualifying service in that cadre,** as on **11/06/2024**, in the pay-scale of **Rs.1,44,840/–Rs.1,94,660/ + allowances,** as admissible under the Rules.

*[*23 unfilled vacancies of 10% quota of Year-2023 are to be filled up by regular promotion in view of Judgment dated 09.12.2021 of the High Court of Gujarat (Coram:- Honourable Ms.Justice Sonia Gokani and Honourable Mr.Justice Rajendra M. Sareen) delivered in SCA/7915/2020 with SCA/13631 & 13458/2020 and by operation of proviso to Rule 5(1)(ii)of the Gujarat State Judicial Service Rules, 2005 amended by Notification dated 23.06.2011.]*

(ii) The High Court reserves its right to alter the number of vacancies.

(iii) The List showing names of 247 eligible Senior Civil Judges included in the zone of consideration for being considered for promotion to the cadre of District Judges (65%) is placed on the High Court website and HC-OJAS Portal along with this Notice.

2. SCHEME FOR PROMOTION :

Following are the **Five Components** for assessing the suitability of a Judicial Officer for promotion.

Sr. No.	Components of Suitability Test	Marks
1.	Written Test (Objective Type - MCQs)	100
2.	Examination and Evaluation of Annual Confidential Reports for last five years	20
3.	Assessment of Average Disposal of last five years of the Judicial Officer concerned.	20
4.	Evaluation of Judgments delivered by the Judicial Officer concerned during the period of last two years.	40
5.	Viva-voce Test	20

The Promotion Process shall be conducted in **Four Phases** as shown below:

1st Phase	1st Component - Written Test (Objective Type – MCQs) [100 Marks] shall be conducted.
2nd Phase	Next Two components i.e. Examination and Evaluation of Annual Confidential Reports for last five years and Assessment of Average Disposal of last five years of the Officer concerned, will be considered and evaluated by the Committee, of only those Judicial Officers who will qualify in the Written Test by securing Minimum 40% Marks.
3rd Phase	4th Component - Evaluation of Judgments of the Officer concerned for last two years will be considered, however, the requisite Judgments will be called for from only those Judicial Officers, who will secure Minimum 40% Marks in each Component of Written Test, ACRs and Disposals.
4th Phase	Last Component - The Viva-voce Test (20 Marks) shall be conducted of only those Judicial Officers who will secure Minimum 40% Marks in the Component of Written Test, ACRs, Disposals and Evaluation of Judgments.

3. Written Test (Objective Type - MCQs) [100 Marks]:

(i) The Written Test shall consist of 01 (One) Paper of 100 Marks with 02 Hours duration, consisting of 100 Objective Type Multiple Choice Questions (MCQs) of 01 Mark each, with no Negative Marking, on following Subjects :

Sr. No.	Subjects	Marks
1.	Legal Knowledge	50
2.	Administrative Knowledge	25
3.	General Knowledge & Aptitude Test	25
	Total Marks	100

Detailed Syllabus attached herewith at **Annexure-A**

(ii) The Judicial Officer has to secure minimum 40% Marks to qualify in the Written Test. Mere passing of **Written Test (Objective Type - MCQs)** by the concerned Judicial Officer would not give him/her right of having secured the position in the Select List. It will be subject to passing of other Components as well.

(iii) The Written Test (Objective Type – MCQs) shall be conducted on OMR Sheet, on **18/08/2024 (Sunday)** in the **Gujarat State Judicial Academy**.

(iv) The OMR Sheets of the Written Test (Objective Type - MCQs) will be assessed / evaluated by the Computer as per entries made on OMR Sheet. As the evaluation is being done on the Computer by Scanning, there is no human intervention and hence, queries relating to rechecking of the OMR

Sheets, subsequent to the Written Test (Objective Type - MCQs), will not be entertained by the High Court. High Court reserves its rights to hold examination by any other mode also and if it so held, then also re-checking / re-evaluation request will not be entertained by the High Court.

(v) The Language of the Question Paper will be **English.**

4. ELIGIBILITY FOR PROMOTION:

The Judicial Officer, who obtains **Minimum 40% Marks in each Component** and **Aggregate of 50% in the Grand Total** of all the above **Five (05) Components**, shall be eligible for being included in the Select List for promotion.

5. GENERAL INSTRUCTIONS :

(i) The eligible Judicial Officers may download their E-call letter from the HC-OJAS Portal from 12/08/2024 onwards.

(ii) The Judicial Officer attending the Written Test (Objective Type - MCQs) may be treated as on duty and may be admissible for TA/DA as applicable.

(iii) Result of the Written Test (Objective Type - MCQs) will be made available on the High Court websites and/or by any other mode that may be decided by the High Court.

(iv) The Component Wise Marks obtained by the concerned Judicial Officers would be communicated by providing a link to a webpage on the HC-OJAS Portal, with One Time Password (OTP) via SMS sent on their Registered Mobile Number, after conclusion of the entire Promotion Process.

High Court of Gujarat,
Sola, Ahmedabad – 380 060.

Date : 26/07/2024

Sd/-
Registrar (Recruitment)

Annexure – 'A'

→ **Syllabus of the Written Test (Objective Type - MCQs) for promotion to the Cadre of District Judge (65% quota) :**

(1) Legal Knowledge

(a) Civil & Criminal Laws

1. The Constitution of India
2. The Code of Civil Procedure, 1908,
3. The Transfer of Property Act, 1882,
4. The Specific Relief Act, 1963,
5. The Indian Partnership Act, 1932,
6. The Indian Contract Act, 1872,
7. The Sale of Goods Act, 1930,
8. The Limitation Act, 1963,
9. The Arbitration and Conciliation Act, 1996,
10. The Motor Vehicles Act, 1988,
11. The Commercial Courts Act, 2015
12. The Family Courts Act, 1984,
13. The Environment (Protection) Act, 1986,
14. The Wild Life (Protection) Act, 1972,
15. The Indian Penal Code, 1860 & The Bharatiya Nyaya Sanhita, 2023
16. The Code of Criminal Procedure, 1973 & The Bharatiya Nagrik Suraksha Sanhita, 2023.
17. The Indian Evidence Act, 1872 & The Bharatiya Sakshya Adhiniyam, 2023
18. The Narcotic Drugs & Psychotropic Substances Act, 1985,
19. The Negotiable Instruments Act, 1881,
20. The Protection of Children from Sexual Offence Act, 2012,
21. The Juvenile Justices (Care & Protection of Children) Act, 2015,
22. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
23. The Prevention of Corruption Act, 1988
24. The Electricity Act, 2003,
25. The Protection of Women from Domestic Violence Act, 2005
26. The Immoral Traffic (Prevention) Act, 1956
27. The Information Technology Act, 2000
28. The Indecent Representation of Women (Prohibition) Act, 1986

(b) Legal Maxims
(c) Medical Jurisprudence
(d) Jurisprudence and Legal Phraseology

(2) Administrative Knowledge
[GCS Rules 2002, Civil Manual, Criminal Manual, etc.]

(3) General Knowledge & Aptitude Test
[Test of Reasoning, Numerical & Mental Ability & Psychological Test, etc.]

-TRUE COPY-

ANNEXURE-P/4
DJ-65% (Year-2023)

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
1	GJ00397	MR.P.G.SONI
2	GJ00414	MR.J.B.PARIKH
3	GJ00505	MR.A.G.SHAIKH
4	GJ00545	MR.M.J.SAIYED
5	GJ00459	MR.R.P.DAVENDRA
6	GJ00484	MR.N.A.EJNER
7	GJ00548	MR.R.R.ZIMBA
8	GJ00554	MR.B.J.PANDYA
9	GJ00567	MR.I.A.SHAIKH
10	GJ00572	MR.R.G.BAROT
11	GJ00602	MS.T.V.JADAV
12	GJ00615	MR.K.A.ANJARIA
13	GJ00633	MR.R.B.MARFATIYA
14	GJ00555	SMT.NAYNABEN DIVAKAR SHARMA [OLD NAME : MS.N.R.PANDIT]
15	GJ00624	MR.M.J.BIHOLA
16	GJ00600	MR.A.Y.VAKANI
17	GJ00647	MR.Z.A.SINDHI
18	GJ00664	MR.Y.N.PATEL
19	GJ00665	MR.PRASHANT PARMANAND SHAH
20	GJ00668	MR.K.S.MAKHIJA
21	GJ00681	MISS.M.R.SHUKLA
22	GJ00693	MS.H.S.DAVE
23	GJ00694	MS.H.D.PANDIT
24	GJ00682	MR.S.R.SINGH
25	GJ00711	MS.N.G.SURATI
26	GJ00733	MS.A.R.TAPIAWALA
27	GJ00748	MR.D.J.THAKER
28	GJ00749	MR.R.J.MIRANI
29	GJ00757	MR.D.B.GOHIL
30	GJ00760	MR.M.S.DAVE

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
31	GJ00767	MR.D.R.VYAS
32	GJ00720	MR.M.B.BAJPAI
33	GJ00750	MR.J.J.BHATT
34	GJ00840	MR.M.R.NADPARA
35	GJ00842	MR.G.J.THORIA
36	GJ00843	MRS.N.A.CHOKSI (OLD NAME MS.N.M. RAMRAKHYANI)
37	GJ00845	MR.M.B.GHASURA
38	GJ00846	MS.M.S.SUTARIYA
39	GJ00847	MR.M.D.NANDANI
40	GJ00848	MR.P.C.SONI
41	GJ00849	MR.A.N.VORA
42	GJ00851	MR.H.R.SHAH
43	GJ00852	MR.V.V.MONDHE
44	GJ00853	MR.B.N.PATEL
45	GJ00854	MR.A.S.PANDE
46	GJ00857	MR.SUSHIL B.BHATT
47	GJ00859	MR.M.K.KHER
48	GJ00860	DR.M.S.PANDE
49	GJ00862	MR.A.K.BHATT
50	GJ00864	MR.S.J.PANCHAL
51	GJ00865	MR.B.M.PRAJAPATI
52	GJ00866	MR.D.H.KHAMBHATI
53	GJ00867	MR.I.K.JANGAD
54	GJ00869	MR.NARENDRAKUMAR G.PARMAR
55	GJ00870	MR.C.V.RANA
56	GJ00871	MR.M.B.PARMAR
57	GJ00872	MR.M.H.CHAUHAN
58	GJ00874	MR.P.B.NAYAK
59	GJ00875	MR.K.J.RATHOD
60	GJ00876	MR.N.N.PATHAR

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
61	GJ00879	MR.D.J.PARMAR
62	GJ00881	MR.MUKESHBHAI M.PARMAR
63	GJ00883	MR.H.A.BHUTWALA
64	GJ00886	MR.K.N.PRAJAPATI
65	GJ00888	MR.C.N.MARFATIA
66	GJ00890	MR.P.L.PATEL
67	GJ00891	MR.V.A.DHADHAL
68	GJ00892	MR.MAHAMMADIRFAN ABDULRAZAKBHAI SHAIKH
69	GJ00893	MR.D.L.THAKOR
70	GJ00894	MR.N.J.NAYI
71	GJ00896	MR.S.N.GHASURA
72	GJ00899	MISS.A.S.SHAIKH
73	GJ00902	MR.S.G.DODIYA
74	GJ00903	MR.J.A.BAXI
75	GJ00758	MR.P.N.NAVIN
76	GJ00861	MR.RAJNIKANT N.PATEL
77	GJ00863	MR.N.H.SHAIKH
78	GJ00887	MRS.S.P.DULERA
79	GJ00901	MR.P.D.JETHVA
80	GJ00906	MR.N.H.NANDANIYA
81	GJ00905	MS.J.D.AMIN
82	GJ00658	MR.B.G.PATEL
83	GJ00688	MR.JAYESHKUMAR D.SOLANKI
84	GJ00723	MR.T.C.ZAVERI
85	GJ00917	MR.ANKUR NAGINBHAI PATEL
86	GJ00918	MR.S.M.GOVANI
87	GJ00921	MS.J.M.GAJJAR
88	GJ00922	MR.R.R.PATEL
89	GJ00923	MR.G.P.SODHAPARMAR
90	GJ00924	MR.B.K.DASONDI

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
91	GJ00925	MR.D.V.PATEL
92	GJ00926	MR.P.M.SHAH
93	GJ00927	MR.J.V.JOSHI
94	GJ00928	MR.D.P.PUROHIT
95	GJ00929	MR.S.M.CHRISTY
96	GJ00930	MR.K.P.PACHODE
97	GJ00931	MR.JITENDRAKUMAR S.PRAJAPATI
98	GJ00933	MR.R.A.AGRAWAL
99	GJ00934	MR.S.P.MEHTA
100	GJ00935	MR.ASHISHKUMAR NAGINBHAI PATEL
101	GJ00936	MR.J.S.SHAH
102	GJ00938	MR.R.A.ZALA
103	GJ00940	MR.H.J.THAKER
104	GJ00941	MRS.RONAKBEN SAURABHBHAI SHAH (OLD NAME – MS.RONAKBEN SURESHBHAI SHAH)
105	GJ00942	MR.P.P.PATEL
106	GJ00943	MS.D.S.THAKAR
107	GJ00944	MR.T.J.DEVADA
108	GJ00945	MR.D.R.JOSHI
109	GJ00948	MR.P.V.BHATT
110	GJ00949	MR.A.R.PATHAK
111	GJ00952	MR.R.B.JOSHI
112	GJ00953	MR.T.N.KHANDHADIYA
113	GJ00954	MR.M.R.ZALA
114	GJ00955	MR.H.J.TANNA
115	GJ00956	MR.D.D.SHAH
116	GJ00957	MR.B.H.GANDHI
117	GJ00958	MR.D.J.RAJPUT
118	GJ00960	MR.J.V.PATEL
119	GJ00961	MR.R.D.MAHETA
120	GJ01312	MR.A.H.NARANG

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
121	GJ00962	MR.M.G.SHAH
122	GJ00964	MR.V.G.RANA
123	GJ00966	MR.K.N.SARVAIYA
124	GJ00967	MR.Y.I.SHAIKH
125	GJ00969	MS.H.S.PATEL
126	GJ00971	MR.M.B.NIMAVAT
127	GJ00973	MR.D.R.JAGUWALA
128	GJ00974	MS.R.G.YADAV
129	GJ00977	MR.BHAVESH J.PATEL
130	GJ00979	MR.JANAKKUMAR D.SOLANKI
131	GJ00983	MR.B.H.GHASURA
132	GJ00984	MR.S.M.KAMDAR
133	GJ00985	MS.BHARTI K.JADAV
134	GJ00986	MR.A.A.VAYDA
135	GJ01033	MR.V.D.MODH
136	GJ00989	MR.J.S.PANCHAL
137	GJ00992	MRS.HEMU PRITESH PATEL [OLD NAME MS.HEMRAJBEN PRITESHKUMAR PATEL]
138	GJ00993	MR.B.R.VAGHELA
139	GJ00994	MR.C.K.PIPALIA
140	GJ00995	MR.C.N.DESAI
141	GJ00996	MR.J.G.DAMODRA
142	GJ01000	MR.H.S.LANGA
143	GJ01001	MS.R.M.BAROT
144	GJ01002	MS.J.A.PARMAR
145	GJ01036	MR.MEHUL DEVDASBHAI PARMAR
146	GJ01005	MR.H.G.DAMODRA
147	GJ01006	MR.D.M.CHAUHAN
148	GJ01007	MR.M.A.MAKRANI
149	GJ01037	MR.P.N.GOSWAMI
150	GJ01008	MR.M.D.BRAHMBHATT

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
151	GJ01009	MR.R.B.SOLANKI
152	GJ01010	MS.A.H.MUNDRA
153	GJ01012	MR.M.U.FURMANI
154	GJ01014	MR.V.S.GADHAVI
155	GJ01016	MS.KUSUM D.PARMAR
156	GJ01017	MR.J.P.PARMAR
157	GJ01018	MR.D.S.DABHI
158	GJ01020	MR.M.J.KHOJJADA
159	GJ01022	MR.D.C.JANI
160	GJ01023	MR.S.K.GADHAVI
161	GJ01028	MR.J.B.GHASURA
162	GJ01029	MS.A.J.MAKWANA
163	GJ01030	MR.N.K.DABHI
164	GJ01031	MR.ABBASMIYA M.SHAIKH
165	GJ01032	MR.PARASANGBHAI J.CHAUDHARY
166	GJ00654	MS.P.P.MOKASHI
167	GJ00725	MR.D.B.JOSHI
168	GJ00804	MR.B.H.ODEDRA
169	GJ00839	MR.A.G.OZA
170	GJ00885	MR.S.G.CHANCHU
171	GJ00897	MR.A.P.GOSWAMI
172	GJ01039	MR.A.S.PATEL
173	GJ00919	MR.B.R.SOLANKI
174	GJ01327	MR.M.I.N.SHAIKH
175	GJ00939	MR.B.V.PARMAR
176	GJ00963	MR.M.R.THAKKAR
177	GJ00965	MR.A.R.RANA
178	GJ00968	MR.M.B.BHAVSAR
179	GJ00970	MR.K.I.BAGGA
180	GJ00988	MR.D.B.RAJAN

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
181	GJ00990	MR.S.A.TAILOR
182	GJ00991	MR.D.A.JADAV
183	GJ01034	MR.Z.N.MUNSHI
184	GJ00998	MR.A.R.GHORI
185	GJ01011	MR.V.J.CHAUHAN
186	GJ01019	MR.R.V.CHAVDA
187	GJ01021	MS.J.V.PARMAR
188	GJ01027	MR.R.V.JOTANIA
189	GJ00634	MISS.A.K.SHARMA
190	GJ00712	MR.J.A.DAVE
191	GJ00728	MS.J.M.CHAUHAN
192	GJ00745	MR.B.V.SANCHANIYA
193	GJ00815	MR.V.R.CHAUDHARI
194	GJ00823	MR.K.C.MANGHANI
195	GJ00850	MR.B.S.GADHVI
196	GJ00877	MS.J.S.SUTARIYA
197	GJ00895	MS.A.J.RANA
198	GJ00951	MR.A.K.GOHIL
199	GJ00959	MR.T.J.PATEL
200	GJ00981	MR.KIRTAN B.RATHOD
201	GJ01035	MR.R.M.KALOTRA
202	GJ01004	MR.VIJAYKUMAR B.BAROT
203	GJ01013	MS.V.L.PARDESHI
204	GJ01015	MR.M.V.CHAUHAN
205	GJ01026	MR.P.R.SUTHAR
206	GJ01045	MR.V.B.CHAUHAN
207	GJ01046	MR.S.R.SANGANI
208	GJ01047	MR.MITESHCHANDRA V.PATEL
209	GJ01048	MS.R.V.RAJE
210	GJ01049	MRS.CHANDNI PRATEEK SHARMA [OLD NAME MS. CHANDNI YOGESHCHANDRA VYAS]

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
211	GJ01053	MR.P.J.KAYASTHA
212	GJ01054	MR.H.V.JOTANIYA
213	GJ01056	MS.C.J.PATEL
214	GJ01057	MS.JINAL VASANTBHAI SHAH
215	GJ01058	MS.NAMRATA P. UNADKAT
216	GJ01059	MR.A.B.MAMTORA
217	GJ01060	MR.N.R.VYAS
218	GJ01062	MS.P.L.DAS
219	GJ01064	MS.CHITRA RATNOO
220	GJ01065	MR.D.N.DHARANI
221	GJ01066	MR.M.B.DAVE
222	GJ01067	MR.R.B.GADHVI
223	GJ01071	MR.S.A.PATHAN
224	GJ01072	MR.G.D.PADIA
225	GJ01073	MR.B.R.DAVE
226	GJ01074	MS.R.L.JADEJA
227	GJ01075	MR.K.A.PATEL
228	GJ01076	MR.T.H.PUNJABI
229	GJ01077	MR.J.M.MEMON
230	GJ01079	MR.A.P.RANDHIR
231	GJ01080	DR.RAHUL N. KARNANI
232	GJ01082	MR.H.D.PATEL
233	GJ01084	MR.T.V.PARMAR
234	GJ01085	MR.RAJENDER SINGH
235	GJ01086	MR.J.K.KHANT
236	GJ01087	MR.L.D.WAGH
237	GJ01088	MR.JITENDRAKUMAR N.PATEL
238	GJ01089	MRS.RINKU RAJESH DESAI [OLD NAME: MS.R.A.SINGH]
239	GJ01090	MR.M.M.SHUKAL
240	GJ01091	MR.A.K.KAUSHIK

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges falling under the zone of consideration for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion (65%) (YEAR-2023)

SR. NO.	J.O. CODE	Name of the Judicial Officer
241	GJ01092	MR.M.Y.VYAS
242	GJ01093	MR.K.D.PATEL
243	GJ01094	MR.J.S.MEHTA
244	GJ01095	MR.D.A.RAVAL
245	GJ01096	MR.S.I.PATEL
246	GJ01097	MR.J.Z.MEHTA
247	GJ01098	MR.M.J.KHAN

High Court of Gujarat
Sola, Ahmedabad
Date: 26/07/2024

Sd/-
Registrar (Recruitment)

-TRUE COPY-

ANNEXURE-P/5

High Court of Gujarat, Sola, Ahmedabad. [DJ-65%]

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
1	182024001	GJ00397	Mr. P.G.Soni
2	182024004	GJ00545	Mr. M.J.Saiyed
3	182024005	GJ00459	Mr. R.P.Davendra
4	182024010	GJ00572	Mr. R.G.Barot
5	182024011	GJ00602	Ms. T.V.Jadav
6	182024013	GJ00633	Mr. R.B.Marfatiya
7	182024014	GJ00555	Smt. Naynaben Divakar Sharma
8	182024018	GJ00664	Mr. Y.N.Patel
9	182024019	GJ00665	Mr. Prashant Parmanand Shah
10	182024020	GJ00668	Mr. K.S.Makhija
11	182024021	GJ00681	Miss. M.R.Shukla
12	182024022	GJ00693	Ms. H.S.Dave
13	182024023	GJ00694	Ms. H.D.Pandit
14	182024024	GJ00682	Mr. S.R.Singh
15	182024025	GJ00711	Ms. N.G.Surati
16	182024026	GJ00733	Ms. A.R.Tapiawala
17	182024028	GJ00749	Mr. R.J.Mirani
18	182024029	GJ00757	Mr. D.B.Gohil
19	182024030	GJ00760	Mr. M.S.Dave
20	182024031	GJ00767	Mr. D.R.Vyas
21	182024032	GJ00720	Mr. M.B.Bajpai
22	182024033	GJ00750	Mr. J.J.Bhatt
23	182024034	GJ00840	Mr. M.R.Nadpara
24	182024035	GJ00842	Mr. G.J.Thoria
25	182024036	GJ00843	Mrs. N.A.Choksi
26	182024037	GJ00845	Mr. M.B.Ghasura
27	182024038	GJ00846	Ms. M.S.Sutariya
28	182024039	GJ00847	Mr. M.D.Nandani
29	182024040	GJ00848	Mr. P.C.Soni
30	182024041	GJ00849	Mr. A.N.Vora
31	182024042	GJ00851	Mr. H.R.Shah
32	182024043	GJ00852	Mr. V.V.Mondhe

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
33	182024044	GJ00853	Mr. B.N.Patel
34	182024045	GJ00854	Mr. A.S.Pande
35	182024046	GJ00857	Mr. Sushil B.Bhatt
36	182024047	GJ00859	Mr. M.K.Kher
37	182024048	GJ00860	Dr. M.S.Pande
38	182024049	GJ00862	Mr. A.K.Bhatt
39	182024050	GJ00864	Mr. S.J.Panchal
40	182024051	GJ00865	Mr. B.M.Prajapati
41	182024052	GJ00866	Mr. D.H.Khambhati
42	182024053	GJ00867	Mr. I.K.Jangad
43	182024054	GJ00869	Mr. Narendrakumar G.Parmar
44	182024055	GJ00870	Mr. C.V.Rana
45	182024056	GJ00871	Mr. M.B.Parmar
46	182024057	GJ00872	Mr. M.H.Chauhan
47	182024058	GJ00874	Mr. P.B.Nayak
48	182024059	GJ00875	Mr. K.J.Rathod
49	182024060	GJ00876	Mr. N.N.Pathar
50	182024061	GJ00879	Mr. D.J.Parmar
51	182024062	GJ00881	Mr. Mukeshbhai M.Parmar
52	182024063	GJ00883	Mr. H.A.Bhutwala
53	182024064	GJ00886	Mr. K.N.Prajapati
54	182024065	GJ00888	Mr. C.N.Marfatia
55	182024066	GJ00890	Mr. P.L.Patel
56	182024067	GJ00891	Mr. V.A.Dhadhal
57	182024068	GJ00892	Mr. Mahammadirfan Abdulrazakbhai Shaikh
58	182024069	GJ00893	Mr. D.L.Thakor
59	182024070	GJ00894	Mr. N.J.Nayi
60	182024071	GJ00896	Mr. S.N.Ghasura
61	182024072	GJ00899	Miss. A.S.Shaikh
62	182024073	GJ00902	Mr. S.G.Dodiya
63	182024074	GJ00903	Mr. J.A.Baxi
64	182024075	GJ00758	Mr. P.N.Navin

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
65	182024076	GJ00861	Mr. Rajnikant N.Patel
66	182024077	GJ00863	Mr. N.H.Shaikh
67	182024078	GJ00887	Mrs. S.P.Dulera
68	182024079	GJ00901	Mr. P.D.Jethva
69	182024080	GJ00906	Mr. N.H.Nandaniya
70	182024081	GJ00905	Ms. J.D.Amin
71	182024082	GJ00658	Mr. B.G.Patel
72	182024083	GJ00688	Mr. Jayeshkumar D.Solanki
73	182024084	GJ00723	Mr. T.C.Zaveri
74	182024085	GJ00917	Mr. Ankur Naginbhai Patel
75	182024086	GJ00918	Mr. S.M.Govani
76	182024087	GJ00921	Ms. J.M.Gajjar
77	182024088	GJ00922	Mr. R.R.Patel
78	182024089	GJ00923	Mr. G.P.Sodhaparmar
79	182024090	GJ00924	Mr. B.K.Dasondi
80	182024091	GJ00925	Mr. D.V.Patel
81	182024092	GJ00926	Mr. P.M.Shah
82	182024093	GJ00927	Mr. J.V.Joshi
83	182024094	GJ00928	Mr. D.P.Purohit
84	182024095	GJ00929	Mr. S.M.Christy
85	182024097	GJ00931	Mr. Jitendrakumar S.Prajapati
86	182024098	GJ00933	Mr. R.A.Agrawal
87	182024099	GJ00934	Mr. S.P.Mehta
88	182024100	GJ00935	Mr. Ashishkumar Naginbhai Patel
89	182024101	GJ00936	Mr. J.S.Shah
90	182024102	GJ00938	Mr. R.A.Zala
91	182024103	GJ00940	Mr. H.J.Thaker
92	182024104	GJ00941	Mrs. Ronakben Saurabhbhai Shah
93	182024105	GJ00942	Mr. P.P.Patel
94	182024106	GJ00943	Ms. D.S.Thakar
95	182024107	GJ00944	Mr. T.J.Devada
96	182024108	GJ00945	Mr. D.R.Joshi

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
97	182024109	GJ00948	Mr. P.V.Bhatt
98	182024110	GJ00949	Mr. A.R.Pathak
99	182024111	GJ00952	Mr. R.B.Joshi
100	182024112	GJ00953	Mr. T.N.Khandhadiya
101	182024113	GJ00954	Mr. M.R.Zala
102	182024114	GJ00955	Mr. H.J.Tanna
103	182024115	GJ00956	Mr. D.D.Shah
104	182024116	GJ00957	Mr. B.H.Gandhi
105	182024117	GJ00958	Mr. D.J.Rajput
106	182024118	GJ00960	Mr. J.V.Patel
107	182024119	GJ00961	Mr. R.D.Maheta
108	182024120	GJ01312	Mr. A.H.Narang
109	182024121	GJ00962	Mr. M.G.Shah
110	182024122	GJ00964	Mr. V.G.Rana
111	182024123	GJ00966	Mr. K.N.Sarvaiya
112	182024124	GJ00967	Mr. Y.I.Shaikh
113	182024125	GJ00969	Ms. H.S.Patel
114	182024126	GJ00971	Mr. M.B.Nimavat
115	182024127	GJ00973	Mr. D.R.Jaguwala
116	182024128	GJ00974	Ms. R.G.Yadav
117	182024129	GJ00977	Mr. Bhavesh J.Patel
118	182024130	GJ00979	Mr. Janakkumar D.Solanki
119	182024131	GJ00983	Mr. B.H.Ghasura
120	182024132	GJ00984	Mr. S.M.Kamdar
121	182024133	GJ00985	Ms. Bharti K.Jadav
122	182024134	GJ00986	Mr. A.A.Vayda
123	182024135	GJ01033	Mr. V.D.Modh
124	182024136	GJ00989	Mr. J.S.Panchal
125	182024137	GJ00992	Mrs. Hemu Pritesh Patel
126	182024138	GJ00993	Mr. B.R.Vaghela
127	182024139	GJ00994	Mr. C.K.Pipalia
128	182024140	GJ00995	Mr. C.N.Desai

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
129	182024141	GJ00996	Mr. J.G.Damodra
130	182024143	GJ01001	Ms. R.M.Barot
131	182024144	GJ01002	Ms. J.A.Parmar
132	182024145	GJ01036	Mr. Mehul Devdasbhai Parmar
133	182024146	GJ01005	Mr. H.G.Damodra
134	182024147	GJ01006	Mr. D.M.Chauhan
135	182024148	GJ01007	Mr. M.A.Makrani
136	182024149	GJ01037	Mr. P.N.Goswami
137	182024150	GJ01008	Mr. M.D.Brahmbhatt
138	182024151	GJ01009	Mr. R.B.Solanki
139	182024152	GJ01010	Ms. A.H.Mundra
140	182024153	GJ01012	Mr. M.U.Furmani
141	182024154	GJ01014	Mr. V.S.Gadhavi
142	182024155	GJ01016	Ms. Kusum D.Parmar
143	182024156	GJ01017	Mr. J.P.Parmar
144	182024157	GJ01018	Mr. D.S.Dabhi
145	182024158	GJ01020	Mr. M.J.Khojjada
146	182024159	GJ01022	Mr. D.C.Jani
147	182024160	GJ01023	Mr. S.K.Gadhavi
148	182024161	GJ01028	Mr. J.B.Ghasura
149	182024162	GJ01029	Ms. A.J.Makwana
150	182024163	GJ01030	Mr. N.K.Dabhi
151	182024164	GJ01031	Mr. Abbasmiya M.Shaikh
152	182024165	GJ01032	Mr. Parasangbhai J.Chaudhary
153	182024166	GJ00654	Ms. P.P.Mokashi
154	182024167	GJ00725	Mr. D.B.Joshi
155	182024168	GJ00804	Mr. B.H.Odedra
156	182024169	GJ00839	Mr. A.G.Oza
157	182024170	GJ00885	Mr. S.G.Chanchu
158	182024172	GJ01039	Mr. A.S.Patel
159	182024174	GJ01327	Mr. M.I.N.Shaikh
160	182024175	GJ00939	Mr. B.V.Parmar

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
161	182024176	GJ00963	Mr. M.R.Thakkar
162	182024177	GJ00965	Mr. A.R.Rana
163	182024178	GJ00968	Mr. M.B.Bhavsar
164	182024179	GJ00970	Mr. K.I.Bagga
165	182024180	GJ00988	Mr. D.B.Rajan
166	182024181	GJ00990	Mr. S.A.Tailor
167	182024182	GJ00991	Mr. D.A.Jadav
168	182024183	GJ01034	Mr. Z.N.Munshi
169	182024184	GJ00998	Mr. A.R.Ghori
170	182024185	GJ01011	Mr. V.J.Chauhan
171	182024186	GJ01019	Mr. R.V.Chavda
172	182024187	GJ01021	Ms. J.V.Parmar
173	182024188	GJ01027	Mr. R.V.Jotania
174	182024189	GJ00634	Miss A.K.Sharma
175	182024191	GJ00728	Ms. J.M.Chauhan
176	182024192	GJ00745	Mr. B.V.Sanchaniya
177	182024193	GJ00815	Mr. V.R.Chaudhari
178	182024194	GJ00823	Mr. K.C.Manghani
179	182024195	GJ00850	Mr. B.S.Gadhvi
180	182024196	GJ00877	Ms. J.S.Sutariya
181	182024197	GJ00895	Ms. A.J.Rana
182	182024198	GJ00951	Mr. A.K.Gohil
183	182024199	GJ00959	Mr. T.J.Patel
184	182024200	GJ00981	Mr. Kirtan B.Rathod
185	182024201	GJ01035	Mr. R.M.Kalotra
186	182024202	GJ01004	Mr. Vijaykumar B.Barot
187	182024203	GJ01013	Ms. V.L.Pardeshi
188	182024204	GJ01015	Mr. M.V.Chauhan
189	182024205	GJ01026	Mr. P.R.Suthar
190	182024206	GJ01045	Mr. V.B.Chauhan
191	182024207	GJ01046	Mr. S.R.Sangani
192	182024208	GJ01047	Mr. Miteshchandra V.Patel

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
193	182024209	GJ01048	Ms. R.V.Raje
194	182024210	GJ01049	Mrs. Chandni Prateek Sharma
195	182024211	GJ01053	Mr. P.J.Kayastha
196	182024212	GJ01054	Mr. H.V.Jotaniya
197	182024213	GJ01056	Ms. C.J.Patel
198	182024214	GJ01057	Ms. Jinal Vasantbhai Shah
199	182024215	GJ01058	Ms. Namrata P. Unadkat
200	182024216	GJ01059	Mr. A.B.Mamtora
201	182024217	GJ01060	Mr. N.R.Vyas
202	182024218	GJ01062	Ms. P.L.Das
203	182024219	GJ01064	Ms. Chitra Ratnoo
204	182024221	GJ01066	Mr. M.B.Dave
205	182024222	GJ01067	Mr. R.B.Gadhvi
206	182024223	GJ01071	Mr. S.A.Pathan
207	182024224	GJ01072	Mr. G.D.Padia
208	182024225	GJ01073	Mr. B.R.Dave
209	182024226	GJ01074	Ms. R.L.Jadeja
210	182024227	GJ01075	Mr. K.A.Patel
211	182024228	GJ01076	Mr. T.H.Punjabi
212	182024229	GJ01077	Mr. J.M.Memon
213	182024230	GJ01079	Mr. A.P.Randhir
214	182024231	GJ01080	Dr. Rahul N. Karnani
215	182024232	GJ01082	Mr. H.D.Patel
216	182024233	GJ01084	Mr. T.V.Parmar
217	182024234	GJ01085	Mr. Rajender Singh
218	182024235	GJ01086	Mr. J.K.Khant
219	182024236	GJ01087	Mr. L.D.Wagh
220	182024238	GJ01089	Mrs. Rinku Rajesh Desai
221	182024239	GJ01090	Mr. M.M.Shukal
222	182024240	GJ01091	Mr. A.K.Kaushik
223	182024241	GJ01092	Mr. M.Y.Vyas
224	182024242	GJ01093	Mr. K.D.Patel

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the Minimum Qualifying Marks i.e. 40% and more in Written Test held on 18-08-2024 (Sunday), for Promotion to the Cadre of District Judge (65% Quota)

Sr. No.	Seat No.	Emp. Code	Name of Judicial Officer
225	182024243	GJ01094	Mr. J.S.Mehta
226	182024244	GJ01095	Mr. D.A.Raval
227	182024245	GJ01096	Mr. S.I.Patel
228	182024246	GJ01097	Mr. J.Z.Mehta
229	182024247	GJ01098	Mr. M.J.Khan

High Court of Gujarat,
Sola, Ahmedabad.
Date: 24/09/2024

Sd/-
Registrar (Recruitment)

-TRUE COPY-

ANNEXURE-P/6

NOTIFICATION
Legal Department
Sachivalaya, Gandhinagar
Dated the 27th December, 2024.

CONSTITUTION OF INDIA.

NO. GK/77/2024/JSR/1982/994/D(part-III) :- In exercise of the powers conferred by the proviso to Article 309 read with the Articles 233 and 234 of the Constitution of India, the Governor of Gujarat after consultation with the High Court of Gujarat, hereby makes the following rules further to amend the Gujarat State Judicial Service Rules, 2005 namely:-

1.(1) These rules may be called the Gujarat State Judicial Service (4thAmendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the *Official Gazette.*

2. In the Gujarat State Judicial Service Rules, 2005 (hereinafter referred to as "the said rules"), the existing table under sub rule (2) of rule 3 shall be substituted namely :-

"TABLE

Sr.No	Cadres	Existing Posts (As on date)	Re-designated Posts
1.	**2**	**3**	**4**
1	District Judge	1.Principal Judge and other Judges of the City Civil Court 2.Principal District Judges 3.Additional District Judges 4.President, Industrial Court 5.Member, Industrial Court	1.Principal Judge, Additional Principal Judge and other Judges of the City Civil Court 2.Principal District Judges 3.Additional District Judges 4.President, Industrial Court 5.Member, Industrial Court
2.	Senior Civil Judge	1.Principal Senior Civil Judge	1.Principal Senior Civil Judge

		2.Additional Senior Civil Judge 3. Chief Judge and Additional Chief Judge, Small Causes Court 4.Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate 5.Chief Judicial Magistrates 6.Metropolitan Magistrates 7.Judges of Small Causes Court 8.Judge, Labour Court (S.D.)	2.Additional Senior Civil Judge 3. Chief Judge and Additional Chief Judge, Small Causes Court 4. Chief Judicial Magistrate, Ahmedabad City 5.Chief Judicial Magistrate 6.Additional Chief Judicial Magistrates, Ahmedabad City. 7.Judges of Small Causes Court 8.Judge, Labour Court (S.D.)
3	Civil Judge	1.Principal Civil Judge 2.Additional Civil Judge 3.Judicial Magistrates First Class 4.Judge(J.D.)	1.Principal Civil Judge 2.Additional Civil Judge 3.Judicial Magistrates First Class 4.Judge, Labour Court (J.D.)

”

3. In the said rules, in rule 5, in sub rule (2), in clause (c), after the words and bracket “Socially and Educationally Backward Classes (SEBC)” the words and bracket “or Persons with Benchmark Disability (PwBD) or Economically Weaker Sections” shall be inserted.

4. In the said rules, in rule7, in sub-rule (2), in clause (c), after the words "Scheduled Tribe", following words shall be added at the end :-

   "or Socially and Educationally Backward Classes (SEBC) or Persons with Benchmark Disability (PwBD) or Economically Weaker Sections".

5. In the said rules, in rule 7, in sub-rule (2), in clause (c), all three Provisos shall be deleted.

6. In the said rules, after the rule 7, the rule-7(A) shall be inserted:-

   "**7 (A) – Reservation :** Reservation to posts in the service for the members of the Scheduled Castes, Scheduled Tribes and other categories including women shall be in accordance with orders of the Government for reservation as adopted by the High Court.

   Provided that horizontal reservation for women to posts in service in direct recruitment shall be subject to suitability i.e. if the sufficient number of women candidates is not available, then in that event the reservation shall not have any operation to the extent of such unavailability.

   Provided further that there shall be no carry forward of reservation for women.".

7. In the said rules, in rule 8, for sub-rules (1), (2), (3) and (4) the following shall be substituted namely:-

   "(1). The Competitive Examination for Direct Recruitment to the cadre of District Judge and Civil Judge shall consist of :

   (i) Preliminary Examination
   (ii) Main Written Examination
   (iii) Viva-voce Test

   such examinations will be conducted as per the syllabus, marking pattern, qualifying standard/ criteria, etc. as decided by the Selection Committee from time to time.

   (2) (a) The candidates who obtain 50% or more marks for unreserved category and 45% for reserved categories (SC, ST, SEBC, EWS, PwBD) shall be called for appearing in the next stage of Written Examination and shall be eligible for being called for Viva-voce Test.

(b) for candidate of Persons with Benchmark Disability (PwBD), candidates upto 20 (twenty) times of the total number of vacancies reserved for such candidates will be eligible to take the main written examination from amongst the Candidates who have secured the qualifying marks. For the Viva-voce Test the candidates belonging to PwBD category upto 5 (five) times the number of vacancies of such candidates shall be called for Viva-voce Test from amongst the Candidates who have secured the qualifying marks in the main written examination.

[Note : The above amendments in sub-rule(2) are carried out to bring the rules in conformity with the Judgment and Order dated 07/11/2024 passed by the Honourable Supreme Court of India in Suo Motu Writ (Civil) No.2/2024.]

(3) The minimum qualifying marks in the Viva-voce test conducted for direct recruitment to the cadre of District Judge and Civil Judge, shall be decided by the Selection Committee.

(4) Merit list shall be prepared on the basis of total marks obtained in Main Written Examination and Viva-Voce Test.".

8. In the said rules, in rule 10, in sub-rule-(2),

(a) in clause (i) after the words and bracket "Socially and Educationally Backward Classes (SEBC)" the words and bracket "Economically Weaker Sections, Women and Persons with Benchmark Disability (PwBD)" shall be inserted.

(b) in clause (iii) after the words and bracket "Socially and Educationally Backward Classes (SEBC)" the words and bracket "Economically Weaker Sections, Women and Persons with Benchmark Disability (PwBD)" shall be inserted.

9. In the said rules, for rule 12 and proviso thereunder the following shall be substituted namely :-

"12. Fees: The candidates for direct recruitment shall pay such examination fee as may be determined by the Selection Committee from time to time.".

By order and in the name of the Governor of the Gujarat,

eSign
Signed by: RAVIKUMAR DHANSUKHRAY MAHETA
Organization Unit: Legal Department
Organization Name: GOVERNMENT OF GUJARAT
Date: 27-Dec-2024 (04:39 PM)

(R.D.Maheta)
Deputy Secretary to Government of Gujarat

To,

1. P.S to Hon'ble Minister of Law, Sachivalaya, Gandhinagar
2. Register General, Gujarat High Court, Sola, Ahemdabad.
3 P.S. to Secretary & R.L.A., Legal Department, Sachivalaya, Gandhinagar.
4. Principal Judge, City Civil and Session Judge, Ahmedabad.
5. The Chief Judge, Small Cause Court, Ahmedabad.
6. The Principal Judge, Family Court, Ahmedabad, Surat, Rajkot, Vadodara, Godhara, Anand, Junagadh.
7. All Principal District and Session Judges.
8. The General Administration Department, G-2 Br., Sachivalaya, Gandhinagar.
9. The Manager, Central Government Press, Gandhinagar - for publication in Gujarat Government Gazette, Part IV-A Extraordinary of today and to send 100 copies to this Department / D Branch.
10. Accountant General, Ahmedabad / Rajkot.
11. The Assistant Draftman, Translation Unit Legislation and Parliamentary Department, Sachivalaya, Gandhinagar, With a request to Translation this notification in Gujarati and to get it published in Govt. Gazette and to forward 100 copies to this Department (D) Branch, Legal Department.
12. Select file.

-TRUE COPY-

ANNEXURE-P/7

[DJ-65%]

High Court of Gujarat, Sola, Ahmedabad.

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
1	GJ00572	Mr.R.G.Barot
2	GJ00693	Ms.H.S.Dave
3	GJ00694	Ms.H.D.Pandit
4	GJ00682	Mr.S.R.Singh
5	GJ00711	Ms.N.G.Surati
6	GJ00733	Ms.A.R.Tapiawala
7	GJ00749	Mr.R.J.Mirani
8	GJ00757	Mr.D.B.Gohil
9	GJ00760	Mr.M.S.Dave
10	GJ00767	Mr.D.R.Vyas
11	GJ00720	Mr.M.B.Bajpai
12	GJ00750	Mr.J.J.Bhatt
13	GJ00840	Mr.M.R.Nadpara
14	GJ00842	Mr.G.J.Thoria
15	GJ00843	Mrs.N.A.Choksi
16	GJ00846	Ms.M.S.Sutariya
17	GJ00847	Mr.M.D.Nandani
18	GJ00848	Mr.P.C.Soni
19	GJ00849	Mr.A.N.Vora
20	GJ00851	Mr.H.R.Shah
21	GJ00852	Mr.V.V.Mondhe
22	GJ00853	Mr.B.N.Patel
23	GJ00854	Mr.A.S.Pande
24	GJ00857	Mr.Sushil B.Bhatt
25	GJ00864	Mr.S.J.Panchal
26	GJ00865	Mr.B.M.Prajapati
27	GJ00866	Mr.D.H.Khambhati
28	GJ00867	Mr.I.K.Jangad
29	GJ00869	Mr.Narendrakumar G.Parmar
30	GJ00871	Mr.M.B.Parmar
31	GJ00872	Mr.M.H.Chauhan
32	GJ00874	Mr.P.B.Nayak
33	GJ00875	Mr.K.J.Rathod
34	GJ00876	Mr.N.N.Pathar
35	GJ00879	Mr.D.J.Parmar
36	GJ00881	Mr.Mukeshbhai M.Parmar
37	GJ00883	Mr.H.A.Bhutwala
38	GJ00886	Mr.K.N.Prajapati
39	GJ00888	Mr.C.N.Marfatia

High Court of Gujarat, Sola, Ahmedabad. **[DJ-65%]**

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
40	GJ00890	Mr.P.L.Patel
41	GJ00891	Mr.V.A.Dhadhal
42	GJ00892	Mr.Mahammadirfan Abdulrazakbhai Shaikh
43	GJ00893	Mr.D.L.Thakor
44	GJ00899	Miss.A.S.Shaikh
45	GJ00902	Mr.S.G.Dodiya
46	GJ00758	Mr.P.N.Navin
47	GJ00861	Mr.Rajnikant N.Patel
48	GJ00863	Mr.N.H.Shaikh
49	GJ00887	Mrs.S.P.Dulera
50	GJ00906	Mr.N.H.Nandaniya
51	GJ00917	Mr.Ankur Naginbhai Patel
52	GJ00918	Mr.S.M.Govani
53	GJ00922	Mr.R.R.Patel
54	GJ00923	Mr.G.P.Sodhaparmar
55	GJ00924	Mr.B.K.Dasondi
56	GJ00925	Mr.D.V.Patel
57	GJ00926	Mr.P.M.Shah
58	GJ00927	Mr.J.V.Joshi
59	GJ00928	Mr.D.P.Purohit
60	GJ00929	Mr.S.M.Christy
61	GJ00931	Mr.Jitendrakumar S.Prajapati
62	GJ00933	Mr.R.A.Agrawal
63	GJ00934	Mr.S.P.Mehta
64	GJ00935	Mr.Ashishkumar Naginbhai Patel
65	GJ00936	Mr.J.S.Shah
66	GJ00938	Mr.R.A.Zala
67	GJ00941	Mrs.Ronakben Saurabhbhai Shah
68	GJ00942	Mr.P.P.Patel
69	GJ00943	Ms.D.S.Thakar
70	GJ00944	Mr.T.J.Devada
71	GJ00945	Mr.D.R.Joshi
72	GJ00948	Mr.P.V.Bhatt
73	GJ00952	Mr.R.B.Joshi
74	GJ00953	Mr.T.N.Khandhadiya
75	GJ00954	Mr.M.R.Zala
76	GJ00955	Mr.H.J.Tanna
77	GJ00956	Mr.D.D.Shah
78	GJ00957	Mr.B.H.Gandhi

High Court of Gujarat, Sola, Ahmedabad. **[DJ-65%]**

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
79	GJ00958	Mr.D.J.Rajput
80	GJ00960	Mr.J.V.Patel
81	GJ00961	Mr.R.D.Maheta
82	GJ01312	Mr.A.H.Narang
83	GJ00962	Mr.M.G.Shah
84	GJ00964	Mr.V.G.Rana
85	GJ00966	Mr.K.N.Sarvaiya
86	GJ00967	Mr.Y.I.Shaikh
87	GJ00969	Ms.H.S.Patel
88	GJ00971	Mr.M.B.Nimavat
89	GJ00973	Mr.D.R.Jaguwala
90	GJ00974	Ms.R.G.Yadav
91	GJ00977	Mr.Bhavesh J.Patel
92	GJ00979	Mr.Janakkumar D.Solanki
93	GJ00983	Mr.B.H.Ghasura
94	GJ00984	Mr.S.M.Kamdar
95	GJ00985	Ms.Bharti K.Jadav
96	GJ00986	Mr.A.A.Vayda
97	GJ01033	Mr.V.D.Modh
98	GJ00989	Mr.J.S.Panchal
99	GJ00992	Mrs.Hemu Pritesh Patel
100	GJ00993	Mr.B.R.Vaghela
101	GJ00994	Mr.C.K.Pipalia
102	GJ00995	Mr.C.N.Desai
103	GJ00996	Mr.J.G.Damodra
104	GJ01001	Ms.R.M.Barot
105	GJ01002	Ms.J.A.Parmar
106	GJ01036	Mr.Mehul Devdasbhai Parmar
107	GJ01005	Mr.H.G.Damodra
108	GJ01006	Mr.D.M.Chauhan
109	GJ01007	Mr.M.A.Makrani
110	GJ01037	Mr.P.N.Goswami
111	GJ01008	Mr.M.D.Brahmbhatt
112	GJ01009	Mr.R.B.Solanki
113	GJ01010	Ms.A.H.Mundra
114	GJ01012	Mr.M.U.Furmani
115	GJ01014	Mr.V.S.Gadhavi
116	GJ01016	Ms.Kusum D.Parmar
117	GJ01017	Mr.J.P.Parmar

High Court of Gujarat, Sola, Ahmedabad. **[DJ-65%]**

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
118	GJ01018	Mr.D.S.Dabhi
119	GJ01020	Mr.M.J.Khojjada
120	GJ01022	Mr.D.C.Jani
121	GJ01023	Mr.S.K.Gadhavi
122	GJ01028	Mr.J.B.Ghasura
123	GJ01029	Ms.A.J.Makwana
124	GJ01030	Mr.N.K.Dabhi
125	GJ01031	Mr.Abbasmiya M.Shaikh
126	GJ01032	Mr.Parasangbhai J.Chaudhary
127	GJ00725	Mr.D.B.Joshi
128	GJ00804	Mr.B.H.Odedra
129	GJ00839	Mr.A.G.Oza
130	GJ00885	Mr.S.G.Chanchu
131	GJ01039	Mr.A.S.Patel
132	GJ01327	Mr.M.I.N.Shaikh
133	GJ00939	Mr.B.V.Parmar
134	GJ00963	Mr.M.R.Thakkar
135	GJ00965	Mr.A.R.Rana
136	GJ00968	Mr.M.B.Bhavsar
137	GJ00970	Mr.K.I.Bagga
138	GJ00988	Mr.D.B.Rajan
139	GJ00990	Mr.S.A.Tailor
140	GJ00991	Mr.D.A.Jadav
141	GJ01034	Mr.Z.N.Munshi
142	GJ00998	Mr.A.R.Ghori
143	GJ01011	Mr.V.J.Chauhan
144	GJ01019	Mr.R.V.Chavda
145	GJ01021	Ms.J.V.Parmar
146	GJ01027	Mr.R.V.Jotania
147	GJ00634	Miss A.K.Sharma
148	GJ00815	Mr.V.R.Chaudhari
149	GJ00823	Mr.K.C.Manghani
150	GJ00850	Mr.B.S.Gadhvi
151	GJ00877	Ms.J.S.Sutariya
152	GJ00895	Ms.A.J.Rana
153	GJ00951	Mr.A.K.Gohil
154	GJ00959	Mr.T.J.Patel
155	GJ00981	Mr.Kirtan B.Rathod
156	GJ01035	Mr.R.M.Kalotra

High Court of Gujarat, Sola, Ahmedabad. **[DJ-65%]**

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
157	GJ01004	Mr.Vijaykumar B.Barot
158	GJ01013	Ms.V.L.Pardeshi
159	GJ01015	Mr.M.V.Chauhan
160	GJ01026	Mr.P.R.Suthar
161	GJ01045	Mr.V.B.Chauhan
162	GJ01046	Mr.S.R.Sangani
163	GJ01047	Mr.Miteshchandra V.Patel
164	GJ01048	Ms.R.V.Raje
165	GJ01049	Mrs.Chandni Prateek Sharma
166	GJ01053	Mr.P.J.Kayastha
167	GJ01054	Mr.H.V.Jotaniya
168	GJ01056	Ms.C.J.Patel
169	GJ01057	Ms.Jinal Vasantbhai Shah
170	GJ01058	Ms.Namrata P. Unadkat
171	GJ01059	Mr.A.B.Mamtora
172	GJ01060	Mr.N.R.Vyas
173	GJ01062	Ms.P.L.Das
174	GJ01064	Ms.Chitra Ratnoo
175	GJ01067	Mr.R.B.Gadhvi
176	GJ01071	Mr.S.A.Pathan
177	GJ01072	Mr.G.D.Padia
178	GJ01073	Mr.B.R.Dave
179	GJ01074	Ms.R.L.Jadeja
180	GJ01075	Mr.K.A.Patel
181	GJ01076	Mr.T.H.Punjabi
182	GJ01077	Mr.J.M.Memon
183	GJ01079	Mr.A.P.Randhir
184	GJ01080	Dr.Rahul N. Karnani
185	GJ01082	Mr.H.D.Patel
186	GJ01085	Mr.Rajender Singh
187	GJ01086	Mr.J.K.Khant
188	GJ01087	Mr.L.D.Wagh
189	GJ01089	Mrs.Rinku Rajesh Desai
190	GJ01090	Mr.M.M.Shukal
191	GJ01091	Mr.A.K.Kaushik
192	GJ01092	Mr.M.Y.Vyas
193	GJ01093	Mr.K.D.Patel
194	GJ01094	Mr.J.S.Mehta
195	GJ01095	Mr.D.A.Raval

High Court of Gujarat, Sola, Ahmedabad. **[DJ-65%]**

No.RC/1250/2023

List of Judicial Officers in the Cadre of Senior Civil Judges who have obtained the **Minimum Qualifying Marks in 4 Components i.e. Written Test, Annual Confidential Report, Average Assessment of Disposal and Evaluation of Judgements** and are being called for Viva-Voce Test for the purpose of filling up the vacancies in the Cadre of District Judges, by way of Promotion **(65%) (YEAR-2023)**

Sr. No.	JO. Code	Name of Judicial Officer
196	GJ01096	Mr.S.I.Patel
197	GJ01097	Mr.J.Z.Mehta
198	GJ01098	Mr.M.J.Khan

Note:	**Viva-voce Tests shall be conducted on 25/02/2025, 27/02/2025, 28/02/2025, 01/03/2025 and 03/03/2025. The Call-letters will be made available from 18/02/2025.**

High Court of Gujarat,
Sola, Ahmedabad.
Date : 12/02/2025

Sd/-
Registrar (Recruitment)

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The High Court of Gujarat

Mobile No:

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Final Result Showing Marks obtained by MR.D.C.JANI, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
46.00	12.00	10.00	30.00	4.67	102.67

Print View

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Final Result Showing Marks obtained by MR.D.B.GOHIL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
77.00	15.50	16.00	23.00	7.00	138.50

ANNEXURE-P/10

The High Court of Gujarat

Select Post:

Select Post

Employee Code:

Birth Date:

dd-mm-yyyy

Mobile No:

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Final Result Showing Marks obtained by MR.J.J.BHATT, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
53.00	18.50	20.00	23.00	6.33	120.83

Print View

The High Court of Gujarat

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ANNEXURE-P/11

Final Result Showing Marks obtained by MR.B.N.PATEL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
51.00	19.00	15.00	19.00	6.67	110.67

-TRUE COPY-

ANNEXURE-P/12

Final Result Showing Marks obtained by MR.S.J.PANCHAL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
71.00	17.50	18.00	17.50	7.00	131.00

-TRUE COPY-

ANNEXURE-P/13

Final Result Showing Marks obtained by MR.M.B.PARMAR, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
58.00	12.00	15.00	22.50	5.33	112.83

-TRUE COPY-

ANNEXURE-P/14

Final Result Showing Marks obtained by MR.RAJNIKANT N.PATEL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
55.00	12.50	13.00	18.00	6.67	105.17

-TRUE COPY-

ANNEXURE-P/15

Final Result Showing Marks obtained by MR.P.M.SHAH, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
58.00	15.50	15.00	25.00	6.33	119.83

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ANNEXURE-P/16

Final Result Showing Marks obtained by MR.R.A.ZALA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
56.00	15.50	19.00	18.00	4.33	112.83

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ANNEXURE-P/17

The High Court of Gujarat

Mobile No:

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Final Result Showing Marks obtained by MR.H.J.TANNA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
61.00	17.50	18.00	31.00	6.00	133.50

Print View

ANNEXURE-P/18

Final Result Showing Marks obtained by MR.D.J.RAJPUT, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
55.00	14.50	15.00	29.00	6.00	119.50

Print View

Final Result Showing Marks obtained by MR.Y.I.SHAIKH, considered for Promotion to the Cadre of District Judges (65% Quota)

ANNEXURE-P/19

(No. RC/1250/2023

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
61.00	13.50	18.00	21.00	4.33	117.83

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ANNEXURE-P/20

Final Result Showing Marks obtained by MR.D.R.JAGUWALA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
80.00	16.00	20.00	31.50	6.33	153.83

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The High Court of Gujarat

ANNEXURE-P/21

Mobile No:

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Final Result Showing Marks obtained by MR.BHAVESH J.PATEL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
54.00	18.00	20.00	20.50	6.33	118.83

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Print View

ANNEXURE-P/22

The High Court of Gujarat

Final Result Showing Marks obtained by MS.J.A.PARMAR, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
63.00	17.50	20.00	33.00	6.67	140.17

Mobile No:

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Final Result Showing Marks obtained by MR.M.J.KHOJJADA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Tot Mar obtai (Out 20 Mar
44.00	14.00	20.00	26.00	6.00	110

Print View

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ANNEXURE-P/24

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The High Court of Gujarat

Submit

Final Result Showing Marks obtained by MS.KUSUM D.PARMAR, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
49.00	10.50	9.00	29.00	6.33	103.83

Print View

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ANNEXURE-P/25

Final Result Showing Marks obtained by MR.D.S.DABHI, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
51.00	16.00	20.00	25.00	5.33	117.33

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ANNEXURE-P/26

Submit

Final Result Showing Marks obtained by MR.MITESHCHANDRA V.PATEL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
43.00	16.50	20.00	27.00	6.33	112.83

Print View

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ANANNANNEXURE-P/2EXURE-P/2NEXURE-P/27

The High Court of Gujarat

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Final Result Showing Marks obtained by MISS.A.S.SHAIKH, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
64.00	17.00	18.00	23.00	5.67	127.67

Print View

ANNEXURE-P/28

Mobile No:

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Final Result Showing Marks obtained by MR.MEHUL DEVDASBHAI PARMAR, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
50.00	14.00	16.00	31.00	6.33	117.33

Print View

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ANNEXURE-P/29

Final Result Showing Marks obtained by MR.J.S.PANCHAL, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
56.00	12.50	13.00	28.00	6.33	115.83

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ANNEXURE-P/30

The High Court of Gujarat

Mobile No:

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Final Result Showing Marks obtained by MR.M.B.BAJPAI, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
44.00	18.00	17.00	24.00	5.00	108.00

Print View

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ANNEXURE-P/31

Mobile No:

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Final Result Showing Marks obtained by MR.R.B.JOSHI, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
59.00	17.50	16.00	20.00	5.67	118.17

Print View

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ANNEXURE-P/32

Final Result Showing Marks obtained by MR.C.K.PIPALIA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
55.00	18.00	16.00	35.00	6.33	130.33

-TRUE COPY-

Final Result Showing Marks obtained by MR.V.D.MODH, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
59.00	16.00	19.00	28.50	5.67	128.17

Print View

ANNEXURE-P/34

Final Result Showing Marks obtained by MS.A.H.MUNDRA, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
43.00	14.50	18.00	24.00	6.67	106.17

ANNEXURE-P/35

Final Result Showing Marks obtained by MRS.RONAKBEN SAURABHBHAI SHAH, considered for Promotion to the Cadre of District Judges (65% Quota)

(No. RC/1250/2023)

Marks obtained in Written Test (Out of 100 Marks)	Examination & Evaluation of ACRs for last 5 Years (Out of 20 Marks)	Assessment of Average Disposal of last 5 Years (Out of 20 Marks)	Evaluation of Judgments (Out of 40 Marks)	Marks obtained in Viva-voce Test (Out of 20 Marks)	Total Marks obtained (Out of 200 Marks)
58.00	12.50	12.00	24.00	6.33	112.83

-TRUE COPY-

ANNEXURE-P/36

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

SELECT LIST of Senior Civil Judges for Promotion to the Cadre of District Judge 65% Quota.

Sr. No.	JO. Code	Name of Judicial Officer	Total Marks [Out of 200]
1	GJ00693	Ms.H.S.Dave	116.00
2	GJ00694	Ms.H.D.Pandit	102.00
3	GJ00749	Mr.R.J.Mirani	108.50
4	GJ00767	Mr.D.R.Vyas	127.67
5	GJ00840	Mr.M.R.Nadpara	140.00
6	GJ00842	Mr.G.J.Thoria	132.83
7	GJ00849	Mr.A.N.Vora	131.17
8	GJ00851	Mr.H.R.Shah	138.50
9	GJ00852	Mr.V.V.Mondhe	136.17
10	GJ00854	Mr.A.S.Pande	137.50
11	GJ00857	Mr.Sushil B.Bhatt	124.00
12	GJ00872	Mr.M.H.Chauhan	124.17
13	GJ00881	Mr.Mukeshbhai M.Parmar	107.99
14	GJ00883	Mr.H.A.Bhutwala	124.50
15	GJ00886	Mr.K.N.Prajapati	138.00
16	GJ00891	Mr.V.A.Dhadhal	131.50
17	GJ00892	Mr.Mahammadirfan Abdulrazakbhai Shaikh	103.67
18	GJ00902	Mr.S.G.Dodiya	129.83
19	GJ00758	Mr.P.N.Navin	122.50
20	GJ00917	Mr.Ankur Naginbhai Patel	135.50
21	GJ00918	Mr.S.M.Govani	128.17
22	GJ00922	Mr.R.R.Patel	148.17
23	GJ00924	Mr.B.K.Dasondi	143.33
24	GJ00928	Mr.D.P.Purohit	139.50
25	GJ00929	Mr.S.M.Christy	130.50
26	GJ00931	Mr.Jitendrakumar S.Prajapati	116.83
27	GJ00933	Mr.R.A.Agrawal	126.67
28	GJ00934	Mr.S.P.Mehta	135.50
29	GJ00942	Mr.P.P.Patel	133.50
30	GJ00943	Ms.D.S.Thakar	141.33
31	GJ00944	Mr.T.J.Devada	115.50

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

SELECT LIST of Senior Civil Judges for Promotion to the Cadre of District Judge 65% Quota.

Sr. No.	JO. Code	Name of Judicial Officer	Total Marks [Out of 200]
32	GJ00948	Mr.P.V.Bhatt	136.33
33	GJ00953	Mr.T.N.Khandhadiya	131.83
34	GJ00960	Mr.J.V.Patel	128.50
35	GJ00961	Mr.R.D.Maheta	141.83
36	GJ00964	Mr.V.G.Rana	140.17
37	GJ00969	Ms.H.S.Patel	124.00
38	GJ00974	Ms.R.G.Yadav	114.83
39	GJ00983	Mr.B.H.Ghasura	129.33
40	GJ00984	Mr.S.M.Kamdar	137.83
41	GJ00985	Ms.Bharti K.Jadav	120.67
42	GJ00992	Mrs.Hemu Pritesh Patel	129.00
43	GJ00995	Mr.C.N.Desai	142.00
44	GJ00996	Mr.J.G.Damodra	118.50
45	GJ01005	Mr.H.G.Damodra	116.67
46	GJ01014	Mr.V.S.Gadhavi	118.00
47	GJ01029	Ms.A.J.Makwana	136.00
48	GJ01032	Mr.Parasangbhai J.Chaudhary	120.66
49	GJ00963	Mr.M.R.Thakkar	112.33
50	GJ00965	Mr.A.R.Rana	107.17
51	GJ00970	Mr.K.I.Bagga	109.50
52	GJ00988	Mr.D.B.Rajan	134.17
53	GJ01019	Mr.R.V.Chavda	101.17
54	GJ01046	Mr.S.R.Sangani	138.67
55	GJ01048	Ms.R.V.Raje	126.33
56	GJ01053	Mr.P.J.Kayastha	130.33
57	GJ01056	Ms.C.J.Patel	130.50
58	GJ01057	Ms.Jinal Vasantbhai Shah	106.83
59	GJ01058	Ms.Namrata P. Unadkat	130.33
60	GJ01062	Ms.P.L.Das	125.33
61	GJ01064	Ms.Chitra Ratnoo	108.50
62	GJ01067	Mr.R.B.Gadhvi	141.50

High Court of Gujarat, Sola, Ahmedabad
No. RC/1250/2023

SELECT LIST of Senior Civil Judges for Promotion to the Cadre of District Judge 65% Quota.

Sr. No.	JO. Code	Name of Judicial Officer	Total Marks [Out of 200]
63	GJ01074	Ms.R.L.Jadeja	126.33
64	GJ01079	Mr.A.P.Randhir	134.83
65	GJ01085	Mr.Rajender Singh	133.33
66	GJ01087	Mr.L.D.Wagh	129.17
67	GJ01089	Mrs.Rinku Rajesh Desai	128.67
68	GJ01091	Mr.A.K.Kaushik	134.83
69	GJ01097	Mr.J.Z.Mehta	133.00
70	GJ01098	Mr.M.J.Khan	125.67

Note:	The result of Judicial Officers having J.O. Code GJ01312, GJ01023, GJ01049,GJ01092 has been kept in Sealed Covers.

High Court of Gujarat,
Sola, Ahmedabad.
Date : 18/03/2025

Sd/-
Registrar (Recruitment)

-TRUE COPY-

ANNEXURE-P/37

Confidential Outward No. 42 of 2025.

From :

Jigneshkumar Janardan Bhatt,
Principal Senior Civil Judge &
Addl. Chief Judicial Magistrate,
Vadodara.

Date : 25th March, 2025.

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through : The Hon'ble Principal District Judge Saheb,
District Court, Vadodara.

SUBJECT : REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023.

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL SIR:

1. I, Jigneshkumar Janardan Bhatt, undersigned Applicant, is currently serving as Principal Senior Civil Judge & Addl. Chief Judicial Magistrate, Vadodara in the Gujarat Judiciary. I must state that I have been a member of the District Judiciary since the last 19 years, having been an inductee of the batch of Year - 2005. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2013. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023 .

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce / interview, I have been awarded 6.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 53 marks in the Elimination test, 23 marks in the component of Judgment authored by me, 18.50 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial

career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews / viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview / viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview / viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks

in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege no arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant. I sincerely believe that no marks of seniority has been given in the viva-voce and requested to allow the additional marks of seniority to the applicant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 12 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his

preciously obtained right to be considered for promotion. Owing to the urgency of the situation, Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,



Jigneshkumar Janardan Bhatt
Principal Senior Civil Judge &
Addl. Chief Judicial Magistrate,
Vadodara, Judge code.: GJ00750.

Email **J J Bhatt**

Representation for non-consideration to the promotional post of District Judge - 65 percent quota

From : J J Bhatt <jjbhatt@aij.gov.in> Tue, Mar 25, 2025 03:09 PM

Subject : Representation for non-consideration to the promotional post of District Judge - 65 percent quota

1 attachment

To : dcourt-vad@gujarat.gov.in

Cc : Registrar General, HIgh Court of Gujarat <rg-hc-guj@nic.in>

Respected Sir,

Kindly find the attached file and do the needful.

With regards,

J.J.Bhatt
Pr. Sr. Civil Judge,
Vadodara.

Representation - JJB.pdf
311 KB

-TRUE COPY-

ANNEXURE-P/38

Confidencial O.W.No.10/2025

B.N.Patel.
Principle Sr.Civil Judge
& A.C.J.M. Sidhpur,
Dist.Patan.

25/3/25

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through:
The Hon'ble Principal District Judge,
District.: PATAN.

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

25/3/25

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Bipinkumar Narsinhbhai Patel, undersigned Applicant is currently serving as P.S.C.J. & A.C.J.M. at. Sidhpur, Dist.Patan in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 17 years, having been an inductee of the batch of Year - 2008. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year Date-09/03/2015. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 110.67 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to

the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 51 marks in the Elimination test, 19 marks in the component of Judgment authored by me, 19 marks for the component of ACRs, and 15 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.67 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion

and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj*

(supra), our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination

25/3/25

published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

Bhatt 25/3/25

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No.22 in the list published on 12/02/2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

25/3/25

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

25/3/25

Bipinkumar Narsinhbhai Patel
Judge, Principal Sr.Civil Judge
& A.C.J.M. Sidhpur, Dist.Patan.
Judge code.: GJ00853.

-TRUE COPY-

ANNEXURE-P/39

Confi. Outward No. 3 / 2025.
From : Sanat J.Panchal
Additional Chief Judicial
Magistrate, Ahmedabad City.
Date :- 25.03.2025.

To,
The Hon'ble Registrar General Sir,
High Court of Gujarat,
Sola, Ahmedabad.

Through :- The Hon'ble Chief Judicial Magistrate, Ahmedabad City.

Subject :- Representation regarding non-consideration of the undersigned applicant for promotion and appointment to the post of district judge by way of 65% quota undertaken by method of merit - cum - seniority from eligible batch of senior civil judges through the recruitment process being RC/1250/2023

Respected Sir,

With reference to the Subject noted above, It is most humblely & respectfully submit before Your Honour that,

1. I, **Sanat J.Panchal**, undersigned Applicant is currently serving as Addi. Chief Judicial Magistrate, Ahmedabad City in the Gujarat District Judiciary. I must state that I have been a member of the District Judiciary since last **17 years**, having been an inductee of the batch of Year - 2008. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year **2015**. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2021.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. RC / 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce / interview, I have been awarded **7** marks and by virtue of which,

I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored **71** marks in the Elimination test, **17.50** marks in the component of Judgment authored by me, **17.50** marks for the component of ACRs, and **18** marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded **7** marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the

Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat

and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra),* our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgments is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews / viva – voce. However,

the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview / viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview / viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low

marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding

and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. **25** in the list published on **12.02.2025** after the consideration of judgments and other components (i.e. 4 Components), however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the

situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

If any inconvenience happened to Your Honour, it may be pardoned.

With profound respect.

Thanking Your Honour and Oblige,

Your's Sincerely and faithfully,

(Sanat J. Panchal)
Additional Chief Judicial
Magistrate, Ahmedabad City.
Judge Code :-GJ00864

-TRUE COPY-

ANNEXURE-P/40

Confidential Outward No. 02/2025
Date – 25/03/2025

From – Mr. Rajnikant N. Patel,
Principal Senior Civil Judge and
Additional Chief Judicial Magistrate
Anjar – Kachchh.

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through:
The Hon'ble Principal District Judge,
District.: Kachchh at Bhuj.

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Rajnikant Narshibhai Patel, undersigned Applicant is currently serving as Principal Senior Civil Judge and Additional Chief Judicial Magistrate at Anjar - Kachchh in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 17 years, having been an inductee of the batch of Year - 2008. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year Date – 15/01/2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year – 2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 105.17 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 55 marks in the Elimination test, 18 marks in the component of Judgment authored by me, 12.50 marks for the component of ACRs, and 13 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.67 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and

has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975.

Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the

detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks

awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 47 in the list published on Date – 12/02/2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

25/03/2025.

Rajnikant Narshibhai Patel
Judge, Principal Senior Civil Judge and Additional Chief Judicial Magistrate at Anjar - Kachchh
Judge code.: GJ00861

-TRUE COPY-

ANNEXURE-P/41

Confi.O/W.No..01.../2025

Principal Senior Civil Judge &

Addl. Chief Judicial Magistrate

Nakhatrana. Dist.Kachchh.

Date:25/03/2025.

To,

The Hon'ble Registrar Generalsaheb,

High Court of Gujarat at

Sola, Ahmedabad

Through:

The Hon'ble Principal District Judgesaheb,

District.: Kachchh@Bhuj.

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

Respected Sir,

1. With reference to the subject noted above, I undersigned Applicant is currently serving as Principal Sr. Civil Judge &Addl. Chief Judicial Magistrate,Nakhatrana,Dist.Kuchchh in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 14 years, having been an inductee of the batch of Year -2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2021 .

2.I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit - cum - seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3.I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 4.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would

most respectfully and humbly state that I have scored 56 marks in the Elimination test, 18 marks in the component of Judgment authored by me, 15.50 marks for the component of ACRs, and 19 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4.However, with utmost respect towards Your Honour, I have only been awarded 4.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5.The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court

in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit - cum - seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007.

Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria

cannot be conducted in the same manner as that under 10%.

8.I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9.I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious

candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 66 in the list published on Dt.12/02/2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

11. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

(R. A. Zala)
Principal Senior Civil Judge&
Addl. Chief Judicial Magistrate,
Nakhatrana,Dist. Kachchh

-TRUE COPY-

ANNEXURE-P/42

Confi No. 43 /2025

From : Parag M Shah
3rd Addl.Sr.Civil
Judge and ACJM,
Vadodara.
Date :- 25-03-2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through: The Hon'ble Principal District Judge,
District.: Vadodara.

SUBJECT: REPRESENTATION REGARDING RE-CONSIDERATION FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

Respected Sir,

1. I, Parag Mahendrabhai Shah is currently serving as , 3rd Addl.Sr.Civil Judge and ACJM, Vadodara. I respecfully sbumit that I have been a member of the District Judiciary since last 15 years, having been an inductee of the batch of Year- 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year-2016. I became eligible and have entered the

zone of consideration for promotion to the post of District judge in the Year – 2023.

2. I further respectfully submit that I cleared first Four [i.e. Suitability Test, ACR, Assessment and Judgement writing] component of evaluation describe in the advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the viva voce as a last component enshrined in the recruitment notification.

3. I respectfully submit that I have scored 58 marks in the Elimination test, 25 marks in the component of Judgment authored by me, 15 marks for the component of ACRs, and 15 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships. I would further most respectfully and humbly state that in the viva voce/interview, I have been awarded 6.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge.

4. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the me and even on the basis of the other components as shown above, the Applicant has

performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of only for 3 to 4 minute interview and having obtained 6.33 marks therein, the Applicant is deprived of his rightful chance of being considered for promotion .

5. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivate but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate. I reiterate that my grievance is only again the interview process which has led to disproportionate results whereby even meritorious candidates have not been able to qualify.

6. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 57 in the list published after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded above marks.

7. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to reconsider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components.

8. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

Yours Sincerely,

[P.M.SHAH]
3rd Addl.Sr.Civil Judge
and ACJM, Vadodara.

-TRUE COPY-

ANNEXURE-P/43

O/C

Confidential outward No. 63 /2025

Dhirendra Jagroopsinh Rajput
Chief Judicial Magistrate Court,
Gandhinagar.
Date: 24/03/2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through: The Hon'ble Principal District Judge
District, Gandhinagar

SUBJECT: **REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023**

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, **Dhirendra Jagroopsinh Rajput** undersigned Applicant is currently serving as **Chief Judicial Magistrate & Senior Civil Judge Gandhinagar** in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last **14** years, having been an inductee of the batch of Year - **2010** The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year -2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded **6** marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored _55_ marks in the Elimination test, _29_ marks in the component of Judgment authored by me, _14.50_ marks for the component of ACRs, and _15_ marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded **6** marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown

above, the Applicant has performed exceptionally well and has had an unblemished Judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the ***All India Judges Association Case*** reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said Judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added

to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of Judgment is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion

based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the

same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva-voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 79 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

[Dhirendra Jagroopsinh Rajput]
Chief Judicial Magistrate
Gandhinagar
Judge code.: GJ0958

Received
(ABM)
25/03/2025
Dept. ASSISTANT
A. BRANCH
DISTRICT COURT
GANDHINAGAR

-TRUE COPY-

ANNEXURE-P/44

Confidential No.04/2025
Date-25/03/2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through : The Hon'ble Principal District Judge
Saheb, District.: Rajkot

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Daxesh Rajeshkumar Jaguwala, undersigned Applicant is currently serving as 5th Additional Senior Civil Judge and Additional Chief Judicial Magistrate in the Gujarat Judiciary. I must state that I have been a member of the District Judiciary since last 14 years and 4 months, having been an

inductee of the batch of Year-2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year September-2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year – 2018-19.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 6.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 80 marks in the Elimination test, 31.5 marks in the component of Judgment authored by me, 16 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita

Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra),* our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as

in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning

amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition, thereto, I was at Sr. No. 89 in the list published on 12/02/2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without

even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

-SD-

(Daxesh Rajeshkumar Jaguwala)

5th Addl. Sr. Civil Judge

& ACJM, Rajkot

Judge code.: GJ00973

ANNEXURE-P/45

Confi. O. W. No. 4 /2025

From : Bhaveshbhai J. Patel
Principal Senior Civil Judge,
& Addl. Chief Judi. Magi.,Vapi
Date : 25/03/2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through:
The Hon'ble Principal District Judge,
District Valsad.

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Bhavesh J. Patel, undersigned Applicant is currently serving as Principal Senior Civil Judge at Vapi in the Gujarat Judiciary. I must state that I has been a

member of the District Judiciary since last 15 years, having been an inductee of the batch of Year - 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 6.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 54 marks in the Elimination test, 20.50 marks in the component of Judgment authored by me, 18 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit - cum - seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and

(B)

Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra),* our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce.

However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public

spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 91 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

Further, I humbly request to your honour that, Hon'ble High Court had give me an appreciation/compliment letter No. D2912-13/2018, Dated 13/08/2018 for consistently obtain Average Assessment of "Excellent" and/or "Outstanding" performance during the period of 2013-2015, which also may not be considered by Hon'ble committee.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

(Bhavesh J. Patel)
Principal senior Civil Judge, Vapi
Judge code.: GJ-00977

-TRUE COPY-

ANNEXURE-P/46

Confidential Outward No. 45 of 2025.

From :

Jagruti A. Parmar,
5th Addl. Senior Civil Judge &
Addl. Chief Judicial Magistrate,
Vadodara.

Date : 25th March, 2025.

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through : The Hon'ble Principal District Judge Saheb,
District Court, Vadodara.

SUBJECT : REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023.

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL SIR:

1. I, Jagruti A. Parmar, undersigned Applicant, is currently serving as 5th Addl. Senior Civil Judge & Addl. Chief Judicial Magistrate, Vadodara in the Gujarat Judiciary. I must state that I have been a member of the District Judiciary since the last 15 years, having been an inductee of the batch of Year - 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023 .

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce / interview, I have been awarded 6.67 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 63 marks in the Elimination test, 33 marks in the component of Judgment authored by me, 17.50 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.67 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial

career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews / viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview / viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview / viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks

in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege no arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant. I sincerely believe that no marks of seniority has been given in the viva-voce and requested to allow the additional marks of seniority to the applicant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 105 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee as well as Hon'ble Full Court of the Hon'ble High Court of Gujarat so that the same is considered before the publication of Notification by the Legal Department, State of

Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

Jagruti A. Parmar
5th Addl. Senior Civil Judge &
Addl. Chief Judicial Magistrate,
Vadodara, Judge code.: GJ01002.

-TRUE COPY-

ANNEXURE-P/47

O.W. NO. : 117/2025

From : Mohammedsalim J. Khojjada
Principal Senior Civil Judge,
& A. C. J. M., Meghraj
Date : 25/03/2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through:
The Hon'ble Principal District Judge,
District Arvalli

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Mohammedsalim J. Khojjada, undersigned Applicant is currently serving as Principal Senior Civil Judge at Meghraj in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 15 years, having been an inductee of the batch of Year - 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 6 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the

post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 44 marks in the Elimination test, 26 marks in the component of Judgment authored by me, 14 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion

and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj*

(supra), our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination

published on 15.04.2023, whereby the “object” and “criteria” of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon’ble Apex Court as well as the Hon’ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 119 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

Digitally signed by
MOHAMMEDSALIM JAHANGIRBHAI KHOJJADA
Reason: Forwarded
on 25/03/2025 16:56:13 IST.

Mohammedsalim J. Khojjada
Principal Senior Civil Judge, Meghraj
Judge code.: GJ - 01020

-TRUE COPY-

ANNEXURE-P/48

By E-mail.

Confi.Outward No.46/2025

Dt.25/03/2025

To,

The Hon'ble Registrar Generalsaheb,

High Court of Gujarat,

Sola, at Ahmedabad

Through:

The Hon'ble Principal District Judgesaheb,

District and Sessions Court, Vadodara

SUBJECT:- REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL

1. I the undersigned, Ms. Kusum D. Parmar, Applicant is currently serving as 6th Addl. Sr. Civil Judge and Addl.Chief Judicial Magistrate, Vadodara in the Gujarat Judiciary. I must state Your Honour that I have been a

25/3/2025

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member of the District Judiciary since last 14 years, having been an inductee of the batch of Year - 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023.

2. I further seek to submit Your Honour that I cleared all the stages of evaluation in the aforementioned advertisement bearing no.1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the current recruitment notification.

3. I further humbly seek to submit Your Honour that in the aforementioned viva voce/interview, I have been awarded 6.33 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 49 marks out of 100 in the Elimination test, 29 out of 40 marks in the component of Judgment authored by me, 10.50 mark out of 20 marks for the component of ACRs, and 9 out of

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20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships. (Copy of my result sheet is enclosed herewith for Your Honours' ready ready reference.)

4. However, with utmost respect towards Your Honour, I have been awarded 6.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that I, the Applicant herein had not been made aware of the basis of the interview and the marks of each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honour and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview, having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by **the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247*** and series of decisions rendered thereafter.

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6. In order to put things into perspective, **the Hon'ble Apex Court** in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of **Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192** where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of **Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436**, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of **UP Higher Judicial Service Rules, 1975**. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in ***Kavita Kamboj (supra)***, our process is not a simple two stage procedure as in the case of **Punjab superior Judicial Service Rules, 2007**. Therefore, when the components ACRs, disposals, evaluation of judgements are an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially

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reflected from **the Punjab Rules**, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stages of judgment evaluation, ACRs and disposals are a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks humbly to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honor is humbly drawn towards the detailed advertisement and notification for the promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further humbly seek Your Honour to submit that the process of promotion by way of 65% through the criteria

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of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble High Court of Gujarat. That awarding such low marks to officers of good caliber without going into merits about their wide experiences of work, integrity, honesty, perfomance towards duties and reponsibilities they have fullfilled satisfactorily during the entire career will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place Your Honour to mention here that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate as it was hardly only for 2-3 minutes.

9. I further most humbly reiterate that I allege not arbitrariness, unreasonableness or vices against the Hon'ble committee or against the pious institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even

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most meritorious candidates who have obtained very high marks in the most important component of judgment evaluation, compared with the list of final selected officers, have not been qualified. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee in the wider sense of length of services, work etc.., I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 116 in the list published on 12/2/2025 after the consideration of judgments and other components, however I have failed to qualify myself for the final list after the interview, which was only for 2-3 minutes without going into merits of other important factors.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to Your Honour to consider the case of the Applicant on reasonable basis on the aspects of my tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honour to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification

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by the Legal Department, State of Gujarat as, if the same is published the Applicant will lose preciously obtained right to be considered for promotion. Owing to the urgency of the situation, Your Honor be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

Ms. Kusum D. Parmar
6th Addl. Sr. Civil Judge &
Addl. Chief Judicial Magistrate
Judge code.: GJ01016

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ANNEXURE-P/49

Conf.O.W.No.1/2025

FROM: DEEPAK SURYAKANT DABHI
PRINCIPAL SENIOR CIVIL JUDGE
BHACHAU-KACHCHH
dabhideepak1710@gmail.com
GJ01018
DATE:25/03/2025

To,

The Hon'ble Registrar General,

High Court of Gujarat at

Sola, Ahmedabad

Through:

The Hon'ble Principal District Judge,

District.: Kachchh @ Bhuj

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Deepak Suryakant Dabhi, undersigned Applicant is currently serving as Principal Senior Civil Judge at Bhachau-Kachchh in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 15 years, having been an inductee of the batch of Year - 2010. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2016. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year - 2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 5.33 marks and by virtue of which, I have been declared

to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 51 marks in the Elimination test, 25 marks in the component of Judgment authored by me, 16 marks for the component of ACRs, and 20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 5.33 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion

and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj*

(supra), our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination

published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee

or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 118 in the list published on 12/02/2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication

of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

Digitally signed by
DABHI DEEPAK
at Bhachau
on 25/03/2025 14:05:41 IST.

DEEPAK SURYAKANT DABHI
PRINCIPAL SENIOR CIVIL JUDGE,
BHACHAU - KACHCHH
Judge code.: GJ01018

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ANNEXURE-P/50

Confi.O.W.No.08/25

From:
Mr.Miteshchandra Vinodkumar Patel
Chief Judicial Magistrate
Chhota Udepur
Date: 26.03.2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through:
The Hon'ble Principal District Judge,
District.: Chhota Udepur

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, **Patel Miteshchandra Vinodkumar**, undersigned Applicant is currently serving as **Chief Judicial Magistrate at Chhota Udepur** in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 13 years, having been an inductee of the batch of **Year - 2012**. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of **Senior Civil Judge in the year 29.09.2018.** I became eligible and have entered the zone

of consideration for promotion to the post of District judge in the Year - 2024.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 6.33/20 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 43/100 marks in the Elimination test, 27/40 marks in the component of Judgment authored by me, 26.50/20 marks for the component of ACRs, and 20/20 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 6.33/20 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of

viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra),* our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 163 in the list published on 12.02.2025 after the consideration of

judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

Digitally signed by
MITESHCHANDRA VINODKUMAR PATEL
at Chhota Udepur
on 26/03/2025 16:47:34 IST.

(Patel Miteshchandra Vinodkumar)
Chief Judicial Magistrate, Chhota Udepur

-TRUE COPY-

ANNEXURE-P/51

Confi.No. 08 /2025

From:-
Mahesh Benimadhav Bajpai,
Principal Senior Civil Judge and
Additional Chief Judicial Magistrate,
Limbdi,District: Surendranagar
Date:- 25-03-2025

To,
The Hon'ble Registrar General,
High Court of Gujarat at
Sola, Ahmedabad

Through: The Hon'ble Principal District Judge,
Surendranagar

SUBJECT: REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT - CUM - SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, Mahesh Benimadhav Bajpai, undersigned Applicant is currently serving as Principal Senior Civil Judge and Additional Chief Judicial Magistrate,Limbdi in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last 19 years, having been an inductee of the batch of Year - 2005. The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of Senior Civil Judge in the year 2013. I was considered eligible in consideration zone for promotion to the post of District judge in the Year - 2025.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned advertisement bearing no. 1250 of 2023 for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit - cum - seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned viva voce/interview, I have been awarded 05 marks and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored 44 marks in the Elimination test, 24 marks in the component of Judgment authored by me, 18 marks for the component of ACRs, and 17 marks for the component of disposal as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded 05 marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and

has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the *All India Judges Association Case* reported in *(2002) 4 SCC 247* and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192 where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436, whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service

Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra)*, our process is not a simple two stage procedure as in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of Judgment is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the notification dated 26.07.2024 in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate

the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023, whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the

marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at Sr. No. 11 in the list published on 12-02-2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results

of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,

(Mahesh Benimadhav Bajpai)
Principal Senior Civil Judge and
Additional Chief Judicial Magistrate
Judge code.: Gj00720

-TRUE COPY-

Annexure-P/52

Confidential Outword No. 12 of 2025

From :-

VINAYKUMAR DASARATHLAL MODH
Principal Senior Civil Judge,
Valsad.
26th March,2025

To,

The Hon'ble Registrar General,
High Court of Gujarat,
at Sola, Ahmedabad

Through:- The Hon'ble Principal District Judge Sir ,Valsad.

Subject :- REPRESENTATION REGARDING NON-CONSIDERATION OF THE UNDERSIGNED APPLICANT FOR PROMOTION AND APPOINTMENT TO THE POST OF DISTRICT JUDGE BY WAY OF 65% QUOTA UNDERTAKEN BY METHOD OF MERIT – CUM – SENIORITY FROM ELIGIBLE BATCH OF SENIOR CIVIL JUDGES THROUGH THE RECRUITMENT PROCESS BEING RC/1250/2023

MAY IT PLEASE THE HON'BLE REGISTRAR GENERAL:

1. I, **VINAYKUMAR DASARATHLAL MODH**,under signed applicant is currently serving as Principal Senior Civil Judge at Valsad in the Gujarat Judiciary. I must state that I has been a member of the District Judiciary since last **14 years,** having been an inductee of the batch of **Year -2010.** The undersigned was initially recruited on the post of Civil Judge and has been promoted to the post of

Senior Civil Judge in the **year 2016**. I became eligible and have entered the zone of consideration for promotion to the post of District judge in the Year-2023.

2. I further seek to submit that I cleared all the stages of evaluation in the aforementioned **advertisement bearing no. 1250 of 2023** for promotion to the post of District Judge by way of regular promotions through the quota of 65% by the method of merit – cum – seniority and thereafter appeared for the newly added criteria of viva voce, as had been mandated and enshrined in the recruitment notification.

3. I further seek to submit that in the aforementioned **viva voce/interview,** I have been awarded **5.67 marks** and by virtue of which, I have been declared to be not eligible to be promoted and appointed to the post of District Judge. At this juncture, I would most respectfully and humbly state that I have scored **total 128.17 marks** out of 200 marks out of which **59 marks** out of 100 marks in **the written test** and **16 marks** out of 20 marks for **the component of ACRs** and **19 marks** out of 20 marks for **the component of disposal** and **28.50**

marks out of 40 marks in **the component of Judgments** authored by me, as has been adjudged by the Hon'ble Committee of their Lordships.

4. However, with utmost respect towards Your Honour, I have only been awarded **5.67 marks** marks by the Hon'ble Committee in the interview. It is my humble submission to the Hon'ble Committee that the Applicant herein had not been made aware of the basis of the interview and the marks for each component. Yet, the undersigned seeks to allege no vices against the Hon'ble Committee.

5. The present representation is only addressed towards Your Honours and the Hon'ble Committee with an intent to show that there are no adverse remarks against the present Applicant and even on the basis of the other components as shown above, the Applicant has performed exceptionally well and has had an unblemished judicial career. Yet, only on the basis of an interview and having obtained low scores therein, the Applicant is deprived of his rightful chance of being considered for promotion and the same is not in true and correct spirit of what has been laid down by the Hon'ble Apex Court in the ***All India Judges Association Case*** **reported in**

(2002) 4 SCC 247 and series of decisions rendered thereafter.

6. In order to put things into perspective, the Hon'ble Apex Court in the aforesaid judgment had given the basis for formulation of a suitability test on the principles of merit – cum – seniority. The said judgment was followed in the decision of ***Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Ors., reported in 2024 INSC 192*** where it was held that interview is an essential feature of the selection process. The same must be undertaken with the intent of recruitment or promotion policy on the basis of which the interview is taken. The same principle was later emphasized in the judgment of ***Ravi Dhansukhlal Maheta vs. High Court of Gujarat and Ors., reported in 2024 INSC 436,*** whereby not only the component of viva voce was suggested to be added to the present process, but it was also suggested that the present rules be formulated in line of UP Higher Judicial Service Rules, 1975. Notably, the UP Higher Judicial Service Rules have no criteria of viva voce yet they award minimum marks for seniority. Moreover, in starc contrast to the judgment in *Kavita Kamboj (supra),* our process is not a simple two stage procedure as

in the case of Punjab superior Judicial Service Rules, 2007. Therefore, when the component ACRs, disposals, evaluation of judgement is an inherent part of the interview, the same cannot be called upon as a separate stage of process needing qualification. This is essentially reflected from the Punjab Rules, upheld by the Hon'ble Apex Court.

7. To the contrary, when the stage of judgment evaluation, ACR and disposals is a separate component altogether, there are no interviews as in the case of judicial services rules of Rajasthan, Orissa and Uttar Pradesh. Yet, I do not seek to gather an issue over the conduct of interviews/ viva – voce. However, the undersigned seeks to highlight the fact that the **notification dated 26.07.2024** in form of detailed advertisement for the conduct of promotion process of 65% conspicuously does not state a single criterion based on which the interview/viva voce has to be conducted. What is rather discernible is the said viva voce is an inclusive process. To substantiate the point, the attention of Your Honors is drawn towards the detailed advertisement and notification for promotion by way of 10% through Limited Departmental Competitive Examination published on 15.04.2023,

whereby the "object" and "criteria" of interview/viva-voce are clearly published. Therefore, the process of viva-voce as in the 65% criteria cannot be conducted in the same manner as that under 10%.

8. I further seek to submit that the process of promotion by way of 65% through the criteria of merit – cum – seniority is an inclusive process rather than an eliminative one. The same has been categorically laid down in several decisions rendered by the Hon'ble Apex Court as well as the Hon'ble Gujarat High Court. That awarding such low marks to officers of good caliber will not only lead to demotivation but also severe heart burning amongst the officers like me who have been superseded. It may not be out of place to mention that the humiliation will also be beyond imagination. No doubt, that I will still be working tirelessly for the institution having entered the same with a public spirit but avenues of promotions are always the guiding factor for any employee. Therefore, with the given set of marks in other components and my overall work profile, the marks awarded in viva voce are unreasonable and disproportionate.

9. I reiterate that I allege not arbitrariness, unreasonableness or vices against the committee or against the institution. The only grievance of the undersigned is that the interview process has led to disproportionate results whereby even meritorious candidates have not been able to qualify. Moreover, as many as 12 posts are still lying vacant.

10. Under such circumstances, if my interview result is reconsidered by the Hon'ble Committee, I have good chances of succeeding and being promoted to the post of District Judge. In addition thereto, I was at **Sr. No. 97** in the list published on dtd. 12.02.2025 after the consideration of judgments and other components, however I have failed to qualify for the final list after the interview, without even knowing the basis on which I was awarded the marks.

11. Therefore, it is a humble, respectful, polite and sincere request of the undersigned to consider the case of the Applicant on reasonable basis on the aspects of his tenure of service, overall track record and marks in other components and results of the interview which have led to extreme dejection to the undersigned.

12. It is further requested to Your Honors to place my representation before the Hon'ble Committee so that the same is considered before the publication of Notification by the Legal Department, State of Gujarat, as if the same is published, the Applicant will lose his preciously obtained right to be considered for promotion. Owing to the urgency of the situation, the Your Honors be pleased to consider my request at the earliest.

For we are all under the guidance and protection of this august institution,

Yours Sincerely and faithfully,



(V. D. MODH)

Principal Senior Civil Judge,Valsad.

Judge code : GJ01033

-True Copy-

ANNEXURE-P/53

NOTIFICATION
Government of Gujarat
Legal Department,
Sachivalaya, Gandhinagar.
Dated the 26th March , 2025.

NO.DAJ-102011-3989-D :- In exercise of powers conferred by Article 233 of the Constitution of India, and in pursuance of the provisions of Rule 5 Sub-rule (1) (i) of the Gujarat State Judicial Service Rules 2005, read with Rule-5(1)(i) of the Gujarat State Judicial service (Amendments) Rules,2011, Government of Gujarat is hereby pleased to appoint, by promotion, following Judicial officers, on regular basis, to the cadre of District Judges (65% by promotion from Senior Civil Judges) as recommended by the High Court of Gujarat.

Sr. No.	Name of Judicial Officer
1	Ms.H.S.Dave
2	Ms.H.D.Pandit
3	Mr.R.J.Mirani
4	Mr.D.R.Vyas
5	Mr.M.R.Nadpara
6	Mr.G.J.Thoria
7	Mr.A.N.Vora
8	Mr.H.R.Shah
9	Mr.V.V.Mondhe
10	Mr.A.S.Pande
11	Mr.Sushil B.Bhatt
12	Mr.M.H.Chauhan
13	Mr.Mukeshbhai M.Parmar
14	Mr.H.A.Bhutwala
15	Mr.K.N.Prajapati
16	Mr.V.A.Dhadhal
17	Mr.Mahammadirfan Abdulrazakbhai Shaikh

18	Mr.S.G.Dodiya
19	Mr.P.N.Navin
20	Mr.Ankur Naginbhai Patel
21	Mr.S.M.Govani
22	Mr.R.R.Patel
23	Mr.B.K.Dasondi
24	Mr.D.P.Purohit
25	Mr.S.M.Christy
26	Mr.Jitendrakumar S.Prajapati
27	Mr.R.A.Agrawal
28	Mr.S.P.Mehta
29	Mr.P.P.Patel
30	Ms.D.S.Thakar
31	Mr.T.J.Devada
32	Mr.P.V.Bhatt
33	Mr.T.N.Khandhadiya
34	Mr.J.V.Patel
35	Mr.R.D.Maheta
36	Mr.V.G.Rana
37	Ms.H.S.Patel
38	Ms.R.G.Yadav
39	Mr.B.H.Ghasura
40	Mr.S.M.Kamdar
41	Ms.Bharti K.Jadav
42	Mrs.Hemu Pritesh Patel
43	Mr.C.N.Desai
44	Mr.J.G.Damodra
45	Mr.H.G.Damodra
46	Mr.V.S.Gadhavi
47	Ms.A.J.Makwana
48	Mr.Parasangbhai J.Chaudhary
49	Mr.M.R.Thakkar

50	Mr.A.R.Rana
51	Mr.K.I.Bagga
52	Mr.D.B.Rajan
53	Mr.R.V.Chavda
54	Mr.S.R.Sangani
55	Ms.R.V.Raje
56	Mr.P.J.Kayastha
57	Ms.C.J.Patel
58	Ms.Jinal Vasantbhai Shah
59	Ms.Namrata P. Unadkat
60	Ms.P.L.Das
61	Ms.Chitra Ratnoo
62	Mr.R.B.Gadhvi
63	Ms.R.L.Jadeja
64	Mr.A.P.Randhir
65	Mr.Rajender Singh
66	Mr.L.D.Wagh
67	Mrs.Rinku Rajesh Desai
68	Mr.A.K.Kaushik
69	Mr.J.Z.Mehta
70	Mr.M.J.Khan

By order and in the name of Governor of Gujarat,

eSign
Signed by: AMIT K GOHIL
Organization Unit: Legal Department
Organization Name: GOVERNMENT OF GUJARAT
Date: 26-Mar-2025 (11:23 AM)

(Amit K. Gohil)
Under Secretary to Government of Gujarat.

To,

1. P.S.to Hon'ble Chief Minister, Gujarat State, Sachivalaya, Gandhinagar.
2. P.S.to Hon'ble Minister of Law, Sachivalaya, Gandhinagar.
3. P.S.to Chief Secretary, Gujarat State, Sachivalaya, Gandhinagar.
4. The Registrar General, High Court of Gujarat, Sola, Ahemdabad.

5. P.S.to Additional Chief Secretary, General Administration Department, Sachivalaya, Gandhinagar.
6. The Accountant General, Ahmedabad/Rajkot.
7. The concerned Judicial Officers(Through High Court of Gujarat)
8. All Treasury Officers (as per the posting recommended by the Hon'ble Gujarat High Court)
9. The Deputy Section Officer's Select File.
10. The Select File.

-TRUE COPY-

ANNEXURE-P/54

HIGH COURT OF GUJARAT AT SOLA, AHMEDABAD

RESOLUTION NO. GSJA/R/2025/07

The Honourable the Chief Justice and Honourable Judges of the High Court of Gujarat, have been pleased to nominate the following Judicial Officers working in the State, to attend the **Institutional Training of the Induction Training for the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01/04/2025 to 20/04/2025** at the **Gujarat State Judicial Academy, Behind High Court of Gujarat, Sola, Ahmedabad.**

SR. NO.	NAME	DESIGNATION
1	MR. S.C.MAKVANA	14TH ADDITIONAL DISTRICT JUDGE, RAJKOT
2	MR. L.M.RATHOD	JUDGE, FAMILY COURT, GANDHINAGAR
3	MS. H.S.DAVE	PRINCIPAL SENIOR CIVIL JUDGE, BHAVNAGAR
4	MS. H.D.PANDIT	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SAVARKUNDLA, DIST. AMRELI
5	MR. R.J.MIRANI	PRINCIPAL SENIOR CIVIL JUDGE, JUNAGADH
6	MR. D.R.VYAS	PRINCIPAL SENIOR CIVIL JUDGE, SURENDRANAGAR
7	MR. M.R.NADPARA	PRINCIPAL SENIOR CIVIL JUDGE, SURAT
8	MR. G.J.THORIA	JUDGE, LABOUR COURT (SENIOR DIVISION), SURAT
9	MR. A.N.VORA	CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
10	MR. H.R.SHAH	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, BHAVNAGAR
11	MR. V.V.MONDHE	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALOL, DIST.PANCHMAHALS

12	MR. A.S.PANDE	CHIEF JUDGE, SMALL CAUSES COURT, AHMEDABAD
13	MR. SUSHIL B.BHATT	JUDGE, LABOUR COURT (SENIOR DIVISION), BHAVNAGAR
14	MR. M.H.CHAUHAN	ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDHIDHAM, DIST.KACHCHH
15	MR. MUKESHBHAI M.PARMAR	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, LUNAVADA, DIST.MAHISAGAR
16	MR. H.A.BHUTWALA	JUDGE, LABOUR COURT (SENIOR DIVISION), AHMEDABAD
17	MR. K.N.PRAJAPATI	5TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
18	MR. V.A.DHADHAL	6TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
19	MR. MAHAMMADIRFAN ABDULRAZAKBHAI SHAIKH	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDHIDHAM, DSIT.KACHCHH
20	MR. S.G.DODIYA	7TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
21	MR. P.N.NAVIN	8TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
22	MR. ANKUR NAGINBHAI PATEL	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, BOTAD
23	MR. S.M.GOVANI	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KATHOR, DIST.SURAT
24	MR. R.R.PATEL	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SANAND, DIST.AHMEDABAD (RURAL)
25	MR. B.K.DASONDI	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT
26	MR. D.P.PUROHIT	PRINCIPAL SENIOR CIVIL JUDGE, GANDHINAGAR
27	MR. S.M.CHRISTY	3RD ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, JAMNAGAR
28	MR. JITENDRAKUMAR S.PRAJAPATI	3RD ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT

29	MR. R.A.AGRAWAL	10TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
30	MR. S.P.MEHTA	3RD ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT
31	MR. P.P.PATEL	12TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
32	MS. D.S.THAKAR	4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT
33	MR. T.J.DEVADA	4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD (RURAL)
34	MR. P.V.BHATT	DEPUTY SECRETARY, LEGAL DEPARTMENT, GANDHINAGAR
35	MR. T.N.KHANDHADIYA	5TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT
36	MR. J.V.PATEL	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, VYARA, DIST.TAPI
37	MR. R.D.MAHETA	DEPUTY SECRETARY, LEGAL DEPARTMENT, GANDHINAGAR
38	MR. V.G.RANA	ASSISTANT DIRECTOR, GUJARAT STATE JUDICIAL ACADEMY, AHMEDABAD
39	MS. H.S.PATEL	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, JHAGADIA, DIST. BHARUCH
40	MS. R.G.YADAV	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KALOL, DIST.PANCHMAHALS
41	MR. B.H.GHASURA	5TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD (RURAL)
42	MR. S.M.KAMDAR	4TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, JAMNAGAR
43	MS. BHARTI K.JADAV	15TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
44	MRS. HEMU PRITESH PATEL	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BHUJ, DIST.KACHCHH
45	MR. C.N.DESAI	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KAPADVANJ, DIST. KHEDA
46	MR. J.G.DAMODRA	PRINCIPAL SENIOR CIVIL JUDGE, GODHRA, DIST.PANCHMAHALS

47	MR. H.G.DAMODRA	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KESHOD, DIST.JUNAGADH
48	MR. V.S.GADHAVI	PROJECT OFFICER (PROGRAMME & PUBLICATION), GUJARAT STATE LEGALE SERVICES AUTHORITY, AHMEDABAD
49	MS. A.J.MAKWANA	17TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
50	MR. PARASANGBHAI J.CHAUDHARY	18TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
51	MR. M.R.THAKKAR	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GANDEVI, DIST.NAVSARI
52	MR. A.R.RANA	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SANTRAMPUR, DIST.MAHISAGAR
53	MR. K.I.BAGGA	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KHERALU, DIST.MAHESANA
54	MR. D.B.RAJAN	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BODELI, DIST.CHHOTAUDEPUR
55	MR. R.V.CHAVDA	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BAYAD, DIST.ARVALLI
56	MR. S.R.SANGANI	24TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
57	MS. R.V.RAJE	25TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
58	MR. P.J.KAYASTHA	7TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RAJKOT
59	MS. C.J.PATEL	ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALOL, DIST.PANCHMAHALS
60	MS. JINAL VASANTBHAI SHAH	10TH ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SURAT
61	MS. NAMRATA P. UNADKAT	JUDGE, SMALL CAUSE COURT, AHMEDABAD
62	MS. P.L.DAS	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, GODHRA, DIST.PANCHMAHALS
63	MS. CHITRA RATNOO	FULL TIME SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, ANAND
64	MR. R.B.GADHVI	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KADI, DIST. MAHESANA

65	MS. R.L.JADEJA	PRINCIPAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DHARI, DIST.AMRELI
66	MR. A.P.RANDHIR	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, VERAVAL, DIST.GIR SOMNATH
67	MR. RAJENDER SINGH	29TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AHMEDABAD CITY
68	MR. L.D.WAGH	PRINCIPAL SENIOR CIVIL JUDGE, PALANPUR, DIST.BANASKANTHA
69	MRS. RINKU RAJESH DESAI	JUDGE, LABOUR COURT (SENIOR DIVISION), BHARUCH
70	MR. A.K.KAUSHIK	CHIEF JUDICIAL MAGISTRATE & ADDITIONAL SENIOR CIVIL JUDGE, PALANPUR, DIST.BANASKANTHA
71	MR. J.Z.MEHTA	FULL TIME SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, VYARA, DIST.TAPI
72	MR. M.J.KHAN	2ND ADDITIONAL SENIOR CIVIL JUDGE & ADDITIONAL CHIEF JUDICIAL MAGISTRATE, MORBI

The following are the terms and conditions:-

1. They should be treated **on duty during the period of the aforesaid Programme** including period of journey both ways, as per **Instruction No. (12) with permission to leave headquarter.**

2. They will be entitled to **Traveling Allowance / Daily Allowance** as admissible under the Rules and Orders for the time being in force, subject to **Instruction No. (12).**

3. The posts held by them be kept vacant during the said period.

4. Those participants who stay in the Hostel of Academy shall have to attend morning Yoga Session.

5. To report on **01.04.2025 at 09.00 a.m.** at the Gujarat State Judicial Academy, Behind High Court of Gujarat, Sola, Ahmedabad.

6. All the Judicial Officers attending the programme are exempted from wearing full uniform but they shall wear formal attire, **shall have to wear sober Blazer** and their dressing during the programme shall be sober.

7. To **intimate Academy at least 48 hours in advance** on **Phone 079-27664601-15, Extension – 455**, for availing accommodation at the Hostel of Academy, if required. The accommodation will be provided to the participant only and not before 24 hours from the reporting time.

8. **Participants will bring their own water bottle(s) of such quality that they deem appropriate and that they may refill with the Water from the RO plant at the GSJA.**

9. Arrangements of 'Charge' for the participants may be made in terms deemed fit by the Principal Judicial Officer.

10. To bring with themselves, fully charged laptops allotted to them by the High Court.

11. **Feedback form to be filled through Judicial Officers' Portal as and when instructed.**

12. **The Judicial Officer shall normally avail Journey Period for the Distance between the Headquarter of Judicial Officer and Gujarat State Judicial Academy, Ahmedabad, as mentioned below:-**

•	**Less than 50 kms.**	**Not entitled for journey period**
•	**More than 50 kms. to 200 kms.**	**Half day journey period**
•	**More than 200 kms.**	**One day journey period**
•	**In case, if Holiday / Public Holiday occurs in the prefix / suffix, no Journey Period shall be admissible and Journey is to be performed in all the above cases on holiday.**	

13. **No participant judge will be exempted from attending the Programme, except in cases of emergencies, which will be decided solely by the Registrar General of the High Court of Gujarat based on the cause and proofs attached with the exemption request through the Director, Gujarat State Judicial Academy.**

High Court of Gujarat,
At Sola, Ahmedabad – 380 060
Date :27/03/2025

Registrar General

No. GSJA/R/2025/07

Copy forwarded with compliments, for information, to :-

1. **The Registrar (Administration)**, High Court of Gujarat, Sola, Ahmedabad. **(Through E-Mail only)**
2. **The Principal District Judge,** Ahmedabad (Rural), Amreli, Anand, Arvalli at Modasa, Banaskantha at Palanpur, Bharuch, Bhavnagar, Botad, Chhotaudepur, Gandhinagar, Gir Somnath at Veraval, Jamnagar, Junagadh, Kachchh at Bhuj, Kheda at Nadiad, Mahesana, Mahisagar at Lunawada, Morbi, Navsari, Panchmahals at Godhra, Rajkot, Surat, Surendranagar, Tapi at Vyara **(Through E-Mail only)**
3. **The Director,** Gujarat State Judicial Academy **(Through E-Mail only)**
4. **The Member Secretary,** Gujarat State Legal Services Authority **(Through E-Mail only)**
5. **The Secretary,** Legal Department, Gandhinagar **(Through E-Mail only)**
6. **The Principal Judge,** Family Court, Gandhinagar **(Through E-Mail only)**
7. **The President,** Industrial Court, Ahmedabad **(Through E-Mail only)**
8. **The Chief Judicial Magistrate,** Chief Judicial Magistrate Court, Ahmedabad City **(Through E-Mail only)**
9. **The Chief Judge,** Small Cause Court, Ahmedabad **(Through E-Mail only)**

   [Sr. No. 2 to 9 : He / She is requested to provide copy of this Resolution to the nominated Judicial Officer, working on his / her establishment]

10. **The Treasury Officer**, Ahmedabad (Rural), Amreli, Anand, Arvalli at Modasa, Banaskantha at Palanpur, Bharuch, Bhavnagar, Botad, Chhotaudepur, Gandhinagar, Gir Somnath at Veraval, Jamnagar, Junagadh, Kachchh at Bhuj, Kheda at Nadiad, Mahesana, Mahisagar at Lunawada, Morbi, Navsari, Panchmahals at Godhra, Rajkot, Surat, Surendranagar, Tapi at Vyara

    [Sr. No. 2 to 9 : The Principal Judicial Officer is requested to provide copy of this Resolution to concerned Treasury Officer of the District.]

High Court of Gujarat,
At Sola, Ahmedabad – 380 060
Date 27 /03/2025

Registrar General

-TRUE COPY-

BEFORE THE HON'BLE SUPREME COURT OF INDIA

I.A. No._____ OF 2025

IN

WRIT PETITION (CIVIL) NO. _____ of 2025

IN THE MATTER OF:

DHARMESH CHANDRAKANT JANI AND OTHERS — **PETITIONERS**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENTS**

APPLICATION SEEKING STAY OF LIST ISSUED ON 18.03.2025 BY THE RESPONDENT NO. 1; NOTIFICATION DATED 26.03.2025 PASSED BY THE RESPONDENT NO. 2 AND RESOLUTION NO. GSJA/R/2025/07 DATED 27.03.2025 PASSED BY THE RESPONDENT NO. 1

To

Hon'ble the Chief Justice and his
Hon'ble Companion Justices of the
Hon'ble Supreme Court of India

The humble application of the
Applicant/Petitioner above-named:

MOST RESPECTFULLY SHEWETH:

1. That the Applicants/Petitioners have filed the above captioned Writ Petition wherein the Applicants/Petitioners seeking following relief.

   1.1. To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) directing the Respondent no. 1 to consider the Petitioners for appointment against 82 vacancies as

advertised by the Respondent no. 1 in notification dated 26.07.2024;

1.2. To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the list issued on 18.03.2025 by the Respondent no. 1 promoting 70 Judicial officers to the cadre of District Judges under 65% quota;

1.3. To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the notification dated 26.03.2025 issued by the Respondent no. 2 appointing the 70 Judicial officers, to the cadre of District Judges under 65% quota.

1.4. To issue a writ in the nature of mandamus or such other writ(s) / order(s) / direction(s) quashing the resolution no. GSJA/R/2025/07 dated 27.03.2025 for induction training of the newly appointed District Judges in 65% quota and to judges who have been appointed in 10% quota from 01.04.2025 to 20.04.2025 at the Gujarat State Judicial Academy.

The facts stated therein are not being repeated herein for the sake of brevity and may be read as part and parcel of the instant application and the Applicants/Petitioners are seeking liberty to rely on the same while advancing arguments for the present application.

2. That on 18.03.2025, the Respondent No. 1 issued the impugned list of 70 Judicial Officers who were promoted to the District Judge Cadre on

a regular basis (65% promotion quota from Senior Civil Judges). The Petitioners were shocked to find that they were excluded from the final list solely on the ground that they had scored less than 8 marks (i.e., below 40%) in the viva voce. This was despite the fact that they had performed exceptionally well in the other components. Notably, the Petitioners No. 3, 13 to 16, 18, and 19 had secured a perfect 20/20 in the assessment of average disposal over the last five years. The Petitioner No. 13 had obtained a total of 153.83/200 marks, whereas the highest-scoring candidate in the final list had only secured 148.17/200. Furthermore, the lowest score among the selected candidates was 102/200, which was still lower than the total marks obtained by the Petitioners. Thus, despite receiving "outstanding" remarks in their annual confidential reports and maintaining an unblemished career, the Petitioners were excluded only on the basis of marks awarded in viva voce that was conducted for few minutes. Meanwhile, junior officers were promoted, bypassing the Petitioners.

3. That the composition of the viva voce panel changed each day for all 5 days of viva voce, leading to a lack of consistency in evaluating the minimum standard, as different panellists applied subjective criteria in their assessments. In ***Ravikumar Dhansukhlal Maheta v. High Court of Gujarat, 2024 SCC OnLine SC 972*** this Hon'ble Court held that the minimum standard must be objectively assessed through a suitability test. However, instead of amending the Rules to incorporate

these recommendations, the Respondent no. 1 merely introduced viva voce as a component. It is most respectfully submitted that the Respondent no. 1 could not have unilaterally altered the assessment process without amending the Rules, as explicitly directed by this Hon'ble Court. Furthermore, this Hon'ble Court had emphasized the necessity of objective assessment in evaluating candidates' suitability. Yet, due to the daily change in the viva voce panel, consistency in evaluation was compromised, as different panellists employed subjective criteria in their assessments. The final results indicate that the selection process was determined solely based on viva voce performance. It is highly improbable that the Petitioners, who have been serving as judicial officers and had scored exceptionally high marks in the second and third phases of evaluation namely, the assessment of annual confidential reports and judgment writing would secure only between 4 to 7 marks out of 20 in viva voce, failing to achieve even the minimum qualifying score of 40% (i.e., 8 out of 20).

4. That the Petitioners are not fresh recruits; they have been repeatedly assessed by the Respondent no. 1 throughout their tenure. Accordingly, this Hon'ble Court in ***Malik Mazhar Sultan (1) v. U.P. Public Service Commission, (2006) 9 SCC 507***, directed High Courts to adopt a practical approach in promotions to the District & Sessions Judge cadre. The principle of seniority as a parameter of selection for promotion was found to be derived from the belief that competence is

related to experience and that it limits the scope of discretion and favouritism. There is always an additional assumption that long-serving employees have demonstrated loyalty to the employing organization and so are entitled to reciprocal treatment. The Petitioners have had a long and unblemished career. Some of them had successfully cleared the suitability test in previous years but were not promoted at the time due to their lower rank in the seniority list compared to the promoted officers. However, in the current year, they have been denied promotion solely based on their scores in the interview.

5. That in these circumstances, the Petitioner/Applicant is filing the instant application seeking stay of the operation of list issued on 18.03.2025 by the Respondent no. 1; the notification dated 26.03.2025 passed by the Respondent no. 2 and resolution no. GSJA/R/2025/07 dated 27.03.2025 passed by the Respondent no. 1. In case the present application is not allowed the accompanying writ petition shall become infructuous.

6. That irreparable injury and hardship would be caused to the Applicants/Petitioners in the event this application is not allowed.

7. That the application is being filed bonafidely and in the interest of justice.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court be pleased to:

a. Pass an order directing ex-parte ad interim stay of list issued on 18.03.2025 by the Respondent no. 1; the notification dated 26.03.2025 passed by the Respondent no. 2 and resolution no. GSJA/R/2025/07 dated 27.03.2025 passed by the Respondent no. 1; and

b. Pass such other or further orders as may be deemed just and proper by this Hon'ble Court on the facts and in the circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS/PETITIONERS SHALL EVER PRAY AS IS DUTY BOUND.

DRAWN AND FILED BY:



MAYURI RAGHUVANSHI
ADVOCATE FOR THE PETITIONERS/APPLICANTS

Filed on: 02.04.2025

SECTION-X

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL/APPEALLATE/ORIGINAL/JURISDICTION
W.P (CIVIL) NO. .....OF 2025

DHARMESH CHANDRAKANT JANI AND OTHERS — **PETITIONERS**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENTS**

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FILED ON: 02/04/2025
INDRA BISHT
I.C. NO. 5145
MO.9650768199

[MAYURI RAGHUVANSHI]

ADVOCATE FOR **PETITIONERS**
OFFICE AT: F-14, LGF (REAR PORTION) KAILASH COLONY
NEW DELHI – 110048
CODE-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We JANI DHARMESH CHANDRAKANT Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the day of 29-03-2025

Accepted & Identified by Certified

Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

P-1

Petitioners
DHARMESH CHANDRAKANT JANI

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025
2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We Dilipsinh Bhavsinh Gohil Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the day of 29-03-2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-2

Petitioners
D.B.Gohil

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 29-03-2025
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **JIGNESHKUMAR JANARDAN BHATT,** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi,** Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March 2025

Accepted & Identified by Certified

Signature(s) below:

P-3

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

JIGNESHKUMAR JANARDAN BHATT
Petitioners

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025 2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI PETITIONER(S)

VERSUS

HIGH COURT OF GUJARAT AND OTHERS RESPONDENT(S)

I/We **BIPINKUMAR NARSINHBHAI PATEL,** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02 day of 04. 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-4

Petitioners

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **S.J.Panchal** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

Signature(s) below:

P-5

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Petitioner

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 **2025**
New Delhi

322

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
MR. DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We MAHENDRAKUMAR B. PARMAR Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

Signature(s) below:

P-6

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Petitioners

(MAHENDRAKUMAR B. PARMAR)

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

02.04.2025
Date: _____2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963



VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

PETITIONER(S)

DHARMESH CHANDRAKANT JANI AND OTHERS

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We RAJANIKANT NARSINHBHAI PATEL Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-7

(RAJANIKANT NARSINHBHAI PATEL)
Petitioners

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

02.04.2025

(MAYURI RAGHUVANSHI)

Date: _____2025
New Delhi

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **PARAG M. SHAH** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th March of 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)

Signature(s) below:

P-8

[PARAG M SHAH]
Petitioners

Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025 2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **RAGHUVIRSINGH A. ZALA** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-9

Petitioners (Raghuvirsinh Zala)

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025 _____ 2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We, **Hitesh Jayantilal Tanna**, Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March, 2025.

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-10

(Hitesh Jayantilal Tanna)
(Petitioner)

Memo of Appearance

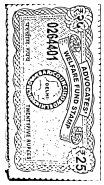
To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

02.04.2025
Date: _____2025
New Delhi



Scanned with CamScanner

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI — PETITIONER(S)

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — RESPONDENT(S)

I/We DHIRENDRA JAGROOPSINH RAJPUT Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

P-11

Dhirendra Jagroopsinh Rajput
Petitioners

Memo of Appearance

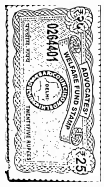
To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

02.04.2025
Date: _____2025
New Delhi



VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESHBHAI C. JANI **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **Yunusahmed Iqbalhussain Shaikh** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the day of _____ 2025 **02.04.2025**

Accepted & Identified by Certified

Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

P-12

Petitioners

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: **02.04.2025** **2025**
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS PETITIONER(S)

VERSUS

HIGH COURT OF GUJARAT AND OTHERS RESPONDENT(S)

I/We **DAXESH RAJESHKUMAR JAGUWALA** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March' 2025

Accepted & Identified by Certified

Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

(DAXESH RAJESHKUMAR JAGUWALA)
Petitioners

P-13

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

02.04.2025
Date: _____2025
New Delhi

VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF:

MR. DHARMESH CHANDRAKANT JANI AND OTHERS — **PETITIONER(S)**

V/s

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENT(S)**

I/We **BHAVESHBHAI JETHABHAI PATEL**, Petitioner in the above Petition/Appeal do hereby appoint and retain Ms. Mayuri Raghuvanshi, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the **29th day of March, 2025**

Accepted & Identified by Certified

Signature(s) below:

P-14

BHAVESHBHAI JETHABHAI PATEL
(Petitioner)

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi.
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: 02.04.2025 2025
New Delhi

(MAYURI RAGHUVANSHI)
Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**
VERSUS
HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **JAGRUTI A. PARMAR,** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March, 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

JAGRUTI A. PARMAR
Petitioners

P-15

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 2025
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI		**PETITIONER(S)**
	VERSUS	
HIGH COURT OF GUJARAT AND OTHERS		**RESPONDENT(S)**

I/We **MOHAMMEDSALIM J. KHOJJADA** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the **02.04.2025** day of _____ 2025

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

Digitally signed by MOHAMMEDSALIM JAHANGIRBHAI KHOJJADA on 29/03/2025 14:55:19 IST.

Petitioners **P-16**

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 _____2025
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF:

DHARMESH CHANDRAKANT JANI — **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS — **RESPONDENT(S)**

I/WE **Ms.KUSUM DALPATBHAI PARMAR**, Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi,** Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 25th day of March, 2025

Accepted & Identified by Certified

Signature(s) below:

25/3/2025

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Ms. KUSUM DALPATBHAI PARMAR
Petitioners

P-17

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi.

Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Date: 02.04.2025
New Delhi

Advocate-on-Record
Supreme Court of India
Code-1963

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VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **DEEPAK SURYAKANT DABHI** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified

Signature(s) below:

P-18

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

DEEPAK SURYAKANT DABHI
(Petitioners)

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 **2025**
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **PATEL MITESHCHANDRA VINODKUMAR** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March, 2025

Accepted & Identified by Certified Signature(s) below:

Digitally signed by
MITESHCHANDRA VINODKUMAR PATEL
at Chhota Udepur
on 29/03/2025 14:53:46 IST.

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s) Petitioners **P-19**
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

02.04.2025

(MAYURI RAGHUVANSHI)

Date: _____2025
New Delhi

Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

PETITIONER(S)

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **Ms. Akhtar Safibhai Shaikh** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the **02.04.2025** day of _____ 2025

Signature(s) below:

P-20

Akhtar

Petitioners

Accepted & Identified by Certified

Mayuri R.

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Mayuri R.

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 _____2025
New Delhi

VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER_ OF:
MR. DHARMESH CHANDRAKANT JANI AND OTHERS **PETTTIONER(S)**

V/s

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **Mehul Devdasbhai Parmar** Petitioner in the above Petition/Appeal do hereby appoint and retain Ms. Mayuri Raghuvanshi, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the **29th day of March, 2025**

Accepted & Identified by Certified

Signature(s) below:

P-21

(Petitioner)

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
The address for service of the said Advocate is
F-14 LGE, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi.
Sir,
Please enter an appearance for the above-named Petitioner(s)/ Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

Date: **02.04.2025** 2025
New Delhi

(MAYURI RAGHUVANSHI)
Advocate-on-Record
Supreme Court of India
CODE-1963

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338

VAKALATNAMA

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA, NEW DELHI

Civil/Criminal Original/Appellate Jurisdiction

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS ***PETITIONER(S)***

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **J.S. PANCHAL** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th March of 2025

Accepted & Identified by Certified

Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)

P-22

JIGNESHKUMAR S. PANCHAL
Petitioners

Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

02.04.2025

Date: _____ 2025
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **MAHESH BENIMADHAV BAJPAI,** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March 2025

Accepted & Identified by Certified

Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

P-23
MAHESH BENIMADHAV BAJPAI
Petitioners

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

02.04.2025
Date: _____2025
New Delhi

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

340

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :
MR. DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We Rajesh Kumar Baburlal Joshi Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & Identified by Certified Signature(s) below:

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

P-24

_____
Petitioners
(Rajesh Kumar Baburlal Joshi)

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 **2025**
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We C.K. PIPALIA Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 02.04.2025 day of _____ 2025

Accepted & identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

C.K. Pipalia.

Petitioners

P-25

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025 _____2025
New Delhi



VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

MR. DHARMESH CHANDRAKANT JANI & OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We **VINAYKUMAR DASARATHLAL MODH** Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the **30th** day of **March, 2025**

Accepted &.Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Signature(s) below:

VINAYKUMAR DASARATHLAL MODH
(Petitioner) **P-26**

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

02.04.2025
Date: _____2025
New Delhi

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI AND OTHERS **PETITIONER(S)**

VERSUS

HIGH COURT OF GUJARAT AND OTHERS **RESPONDENT(S)**

I/We Ms.A.H.Mundra Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29 day of March 2025

Accepted & Identified by Certified Signature(s) below:

Digitally signed by
MUNDRA AFSANA HUSEN
Reason: Submitted
at Chief Court.Anand.
on 29/03/2025 17:14:24 IST.

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s) Petitioners **P-27**
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

02.04.2025
Date: _____2025
New Delhi

(MAYURI RAGHUVANSHI)
Advocate-on-Record
Supreme Court of India
Code-1963

VAKALATNAMA
(SCR Order IV Rule 18)
IN THE SUPREME COURT OF INDIA, NEW DELHI
Civil/Criminal Original/Appellate Jurisdiction
WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF :

DHARMESH CHANDRAKANT JANI PETITIONER(S)

VERSUS

HIGH COURT OF GUJARAT AND OTHERS RESPONDENT(S)

I/We Mrs. Ronakben Saurabhbhai Shah Petitioner in the above Petition/Appeal do hereby appoint and retain **Ms. Mayuri Raghuvanshi**, Advocate-on-Record, Supreme Court of India to act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding, in taxation and Applications for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition/Appeal and in Applications for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29th day of March 2025

Signature(s) below:

P-28

Petitioners

Accepted & Identified by Certified

(MAYURI RAGHUVANSHI)
Advocate-on-Record,
For the Petitioner(s)/Appellant(s)/Respondent(s)
Respondent(s)
The address for service of the said Advocate is
F-14 LGF, (Rear Portion) Kailash Colony
Near Kailash Colony Metro Gate No. 2
New delhi-48

Memo of Appearance

To,
The Registrar,
Supreme Court of India,
New Delhi
Sir,
Please enter an appearance for the above-named Petitioner(s)/Appellant(s)/Respondent(s) in the above-mentioned petition/appeal.

Yours faithfully,

(MAYURI RAGHUVANSHI)

Advocate-on-Record
Supreme Court of India
Code-1963

Date: 02.04.2025
New Delhi

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