



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 13043 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

=====		
Approved for Reporting	Yes	No
	✓	
=====		

RAJDEEPKUMAR BALDEVBHAI CHAUDHARY
 Versus
 GUJARAT PUBLIC SERVICE COMMISSION

=====

Appearance:

MR RATHIN P RAVAL(5013) for the Petitioner(s) No. 1
 MR PREMAL R JOSHI(1327) for the Respondent(s) No. 1

=====

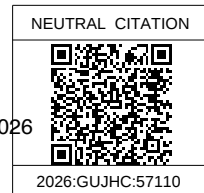
CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 09/09/2026

ORAL JUDGMENT

1. Heard learned advocate Mr.Rathin Raval appearing on behalf of the petitioner and learned advocate Mr.Premal Joshi appearing on behalf of respondent no.1 - Gujarat Public Service Commission.

2. The petitioner, by way of this petition, challenges his exclusion from the interview from the post of Medical Officer fo Health, Class-I in advertisement no.117/2025-2026 inter alia on the ground that the present applicant does not possess the requisite experience as required under the recruitment



rule and the advertisement which is based on the recruitment rule.

3. Facts, in brief, being that the petitioner had completed his M.B.B.S in the year 2011 and had done his compulsory internship between the period 2011-2012 and whereas, the petitioner was also been appointed as a contractual / private Junior Resident in the Department of Medicine at GMERS Medical College, Patan and later at GMERS Medical College, Gandhinagar.

3.1. It would appear that the present petitioner had joined as a Medical Officer, Class-II since 18.04.2016 with the Primary Health Centre in Patan and later as Taluka Health Officer in Patan and Senior Medical Officer in Mehsana up to the period 2022. It would appear that the petitioner, during the course of his employment, had successfully completed his post graduate degree of M.D. (Community Medicine) from the PDU Government Medical College, Rajkot as an In-service Resident Doctor under the State Government's In-service Postgraduate Education Policy. It would appear that the present petitioner was thereafter working as a Senior Medical Officer, District Training Team, Mehsana from 01.12.2025 onwards.



3.2. It would appear that the respondent - GPSC had issued an advertisement on 31.01.2026 being advertisement no.117/2025-2026 for application to the post of Medical Officer of Health, Class-I for 9 Municipal Corporations originally and whereas, the 10th Corporation - Jamnagar Municipal Corporation was added later on vide a separate notification. The advertisement inter alia envisaged appointment subject to fulfillment of qualification and whereas, while the present petitioner had applied and had fulfilled all the educational qualification, vide communication dated 29.08.2026, the petitioner had been excluded from the list of candidates who were selected for interview and whereas, being aggrieved by the said order, the present petitioner has approached this Court.

3.3. Apposite here would be to state that the said order only lists roll numbers of 15 successful candidates and 39 unsuccessful candidates and whereas, the roll number of the petitioner being 101000042 appears in the unsuccessful candidates' list. It would also be apposite to mention here that the list does not mention as to the reason for disqualification.



4. Learned advocate Mr.Raval for the petitioner would assail the exclusion of the petitioner and would submit that while the order of exclusion does not list out any reason, yet, the petitioner has been orally informed that the petitioner has been excluded since the petitioner did not have the requisite experience as per the recruitment rule.

4.1. Attention of this Court is drawn to the recruitment rule which inter alia specifies that a candidate should have a degree in medicine, a postgraduate degree in medicine and a candidate is requires to have at least 5 years of experience as Medical Officer, Class-II in public health in the government or in any other government undertaking etc. Learned advocate would submit that while the petitioner had been serving as a Medical Officer, Class-II since the year 2016, yet, the rejection / exclusion being on the ground that the experience of 5 years was not after the petitioner had acquired the educational qualification. That is to state that the petitioner had not completed 5 years as a Medical Officer after getting his Postgraduate Degree in Medicine.

4.2. Learned advocate would submit that the recruitment rule and the advertisement not specifying such a requirement,



it was well erroneous on the part of the respondent to have excluded the petitioner on the ground of not having requisite experience after having acquired the requisite qualification. Thus assailing the decision, learned advocate would request that the respondents may be directed to include the name of the petitioner in the list of candidates selected for interview.

5. As against the same, the present petition is vehemently contested by learned advocate Mr.Premal Joshi appearing on behalf of the respondent – Gujarat Public Service Commission.

5.1. Learned advocate would submit, under instruction, that the petitioner had been excluded since the petitioner did not fulfill the requisite experience criteria. Learned advocate would submit that as per the recruitment rule which is followed in the advertisement, a candidate is suppose to have a degree and postgraduate degree in Medicine and whereafter a candidate should have 5 years experience in Public Health as Medical Officer, Class-II. Learned advocate would submit that the petitioner having completed his post graduation on 30.11.2025, the petitioner did not have a requisite experience and therefore, his name had been excluded.



5.2. Learned advocate Mr.Joshi in this regard would draw the attention of this Court to instructions in the advertisement, more particularly, instruction no.6(2)(a) which is with regard to experience and whereas, learned advocate would submit that the said instruction has very clearly recorded that the candidate should have the requisite experience after having obtained educational quantification.

5.3. Learned advocate would also rely upon Rule 8(8)(a) of the Gujarat Civil Services (Classification and Recruitment (General)) Rules, 1967 ('Classification Rules' for short) and whereas, it is submitted that the said rules also inter alia provide that where a qualifications prescribed for any service or post, include a qualification as to practical experience for a given period, then, unless otherwise provided in the recruitment rule, the experience would be counted from the date on which the requisite qualifications are obtained and the same would be with reference to the last date fixed for receipt of such application. Learned advocate would submit that the petitioner not having the experience of 5 years as a Medical Officer, Class-II after having completed his post graduation degree, the petitioner's name had not been



considered and whereas, the respondent had taken a decision in accordance with the recruitment rule and the advertisement and hence, learned advocate would request this Court not to intervene.

5.4. Learned advocate would also refer to a decision of a learned Coordinate Bench of this Court in case of Kaizad Mehernosh Dastoor vs. Chairman, Gujarat Public Service Commission & Anr. rendered in Special Civil Application No.3715/2025 on 27.03.2025 and whereas, learned advocate would submit that the issue raised in the present petition is squarely covered by the decision of the learned Coordinate Bench. Learned advocate would submit that in a similar scenario, the learned Coordinate Bench had not entertained the petition where the candidate did not have the requisite qualification. Learned advocate would submit that having regard to the law laid down by learned Coordinate Bench also, this Court may not entertain the present writ petition.

6. Heard learned Counsels appearing on behalf of the respective parties and perused the documents on record.

6.1. The short question which arises for consideration of this



Court would be that whether the respondent is justified in excluding the petitioner for interview to the post of Medical Officer, Class-I on the ground that the petitioner did not have 5 years experience as Public Health Medical Officer, Class-II in government service after having obtained a postgraduate degree.

6.2. Learned advocate for the petitioner contending that the requirement of experience was independent than the requirement of qualification, whereas, learned advocate on behalf of respondent submitting, more particularly relying upon Recruitment Rule, the advertisement and the Classification Rules, that the requirement of experience would have to be counted from the date of acquiring of the qualification and whereas, since the petitioner not having experience of 5 years after the date of completing his post graduation, therefore, the petitioner not being entitled.

6.3. To consider the present issue, it would be apposite to refer to the relevant portions of the Recruitment Rules:-

“(b) possess

(i) a degree of Bachelor of Medicine and Bachelor of Surgery (M.B.B.S) of any of the Universities established or Incorporated by or under the Central

or State Act In India or any other educational institution recognized as such or declared to be a deemed university under section 3 of the University Grants Commission Act, 1956, or possess any other qualification specified in first or second schedule to the Indian Medical Council Act, 1956, and

(ii) a post graduate degree or diploma in Public Health/Preventive and Social Medicine/Social and Preventive Medicine/ Community Medicine/ Community Health or M.D (Medicine/ Microbiology/ Pathology) obtained from any of the Universities or incorporated by or under the Central or State Act in India or possess an equivalent qualification recognized by the Medical Council of India.

(c) (i) have at least five years public health experience as Medical Officer Class II, in the Government; or

(ii) have at least five years public health experience in the Government Undertaking /Board /Corporation /Local Bodies/Grant in aid institution/ Hospital run by the trust or private or Public Sector Organization on the post which can be considered equivalent to the post not below the rank of Medical Officer, class II.”

6.4. A perusal of the relevant portion of the recruitment rules envisages that while a candidate should possess a bachelors degree in Medicine and a postgraduate degree in Medicine etc., insofar as the experience criteria is concerned, the candidate is required to have a minimum 5 years Public Health experience as ‘Medical Officer, Class-II’ in government service. The petitioner being in government service, while



there are other services also envisaged, but, this Court is not required to refer to the other categories. It would appear in this regard that the petitioner has been working as a Medical Officer, Class-II in government service and whereas, while experience criteria also envisages experience gained on other posts, yet, the underlying feature being that the posts are such which could be considered as 'equivalent to the post, not below the rank of Medical Officer, Class-II'. It would also be clear that the recruitment rule prima facie not envisaging that the candidate should have the requisite experience after obtaining the educational qualifications.

6.5. Now, coming to the advertisement and the Classification Rules, the advertisement basically is a reproduction of the Classification Rules and whereas Rule 8(8)(a & b) of the Gujarat Civil Services Classification and Recruitment (General) Rules, 1967 being relevant for the present purpose, are reproduced hereinbelow for benefit:-

"8. Condition as to Prescribed qualifications :-

(8) Where the qualifications prescribed for any service or post include a qualification as to practical experience of a given period and applications are invited for such service or post "the period of practical experience shall be



computed-

(a) Unless otherwise provided in recruitment rule from the date on which requisite qualifications are obtained.

(b) With reference to the last date fixed for receipt of such application."

6.6. A perusal of the said rule inter alia envisages that when a qualification as to practical experience for a given period is prescribed in an advertisement for a post, except for the recruitment rule providing otherwise, the experience would be counted from the date of obtaining requisite qualification and the last reference date would be the last date fixed for receipt of application in the advertisement. The question to be answered would be that whether reading the Classification Rules in conjunction with the Recruitment Rules would the requirement of experience is required to be counted from the date of obtaining the postgraduate degree or not.

6.7. To this Court, it would appear that the Classification Rules are very clear in this regard. The Classification Rules very specifically state 'unless otherwise provided in the recruitment rule'. The said clarification clearly goes against the contention raised by the respondent inasmuch as the



recruitment rules require the experience of 5 years of a candidate as Medical Officer, Class-II without any reference whatsoever to the experience after having obtained the post graduation degree. To this Court, it would appear that when the recruitment rule requires the experience to be obtaining in a particular post, then the recruiting body or even the State Government could not be heard to contend that though the post in question did not envisage the higher educational qualification, yet, the candidate should have the higher qualification before counting of the experience would begun.

6.8. In perspective of the fact situation, it would appear that while the educational qualification required for the post of Medical Officer, Class-II was a Bachelor of Medicine etc., which the petitioner had when he was appointed on the said post, the State Government or the GPSC could not be heard to contend that the period of experience would be counted only after the petitioner had obtained a postgraduate degree in Medicine etc. The reason for such an observation since the recruitment rules clearly specify the experience on a particular post without any reference to the higher qualification. The Classification Rule clearly saying that the



Classification Rule would come into play only if there is no specification mentioned in the Recruitment Rule and the Recruitment Rule as noticed hereinabove clearly stating that the experience would be on a particular post, the respondent GPSC would not be justified in contending that though the educational qualification of the post in which the experience is required would be only a Bachelors Degree, yet, the period of experience would be counted only after the candidate obtains a higher educational qualification, which was not required qualification for the post on which the experience was counted. To this Court, it would appear that such a contention could not be permissible on a fair and equitable interpretation of the recruitment rule read with Classification Rule.

6.9. The position would get further clear when one appreciates that the recruitment rule is also very clear in its scope and ambit as regards the experience criteria inasmuch as the experience criteria primarily requires a candidate to have 5 years experience in public health as Medical Officer, Class-II in the government or on any other post in government undertaking etc. which post can be considered equivalent and



not below the rank of Medical Officer, Class-II. It would thus appear that the underlying object of the recruitment rule insofar as the criteria of experience is concerned, being that the candidate should have 5 years experience as Medical Officer, Class-II in government service or on a post which could be considered equivalent or not below the rank of Medical Officer, Class-II in government service. As noticed, the post of Medical Officer, Class-II requires a candidate to have M.B.B.S. Degree, the facts speaking for itself since the petitioner having qualification of M.B.B.S. had applied and was selected to the post of Medical Officer, Class-II since the year 2016. Thus, it would appear that the recruitment rule would fall under the exception provided in the Classification Rules i.e. the Classification Rules would come into play only if there is no particular provision provided in the recruitment rule as regards the experience. In the instant case, as observed hereinabove, it requires a candidate to have experience as Medical Officer, Class-II or an equivalent post, under such circumstances, the experience criteria could not be understood to mean that the same would be counted only after the period when the candidate gained experience which was higher than the qualification required for the post on



which the experience was mandatory.

7. As far as the reliance by the learned Counsel for the respondent on decision of the learned Coordinate Bench in Special Civil Application No.3715/2025, it would appear that the recruitment rule inter alia required experience not on a specific post, but, on two different posts and whereas, to this Court, it would appear that the recruitment rule in the present case and the recruitment rule in case relied upon by learned Counsel being different and distinct, the observations of the learned Coordinate Bench would not advance the cause of the present petitioner any further.

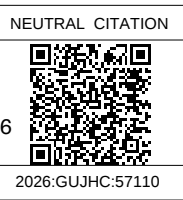
7.1. At this stage, it would be apposite to mention that order of the learned Coordinate Bench has also been upheld by the Hon'ble Division Bench of this Court in case of **Kaizad Mehernosh Dastoor vs. Chairman, Gujarat Public Service Commission, reported on 2025 (3) GLH 117**. The Hon'ble Division Bench had noticed the recruitment rule and the relevant experience criteria in the said recruitment rule i.e. Clause 3(c) of the recruitment rule for the post of Chief Fire Officer, being relevant for the present purpose, is reproduced hereinbelow:-



“3(c) have at least seven years' service experience in a whole time in the Field of Fire Brigade out of which three years' experience on the post which can be considered equivalent to the post not below rank of Station Officer or Assistant Divisional Officer in Government or Local body or Government Undertaking Board or Corporation of Limited Company established under the Companies Act, 2013”

7.2. As could be noticed, the experience required was a composite experience of 7 years of which the 3 years was on a post which could be equivalent and not below the rank of Station Officer or Assistant Divisional Officer in government or local body. While it was attempted to be submitted before the Hon'ble Division Bench that the criteria had to be bifurcated, the Hon'ble Division Bench had not countenanced the same as the same was not found to be the intent of the rule making authority on a plain reading of the rules. Paragraph no.18 of the said decision being relevant for the present purpose, is reproduced hereinbelow for benefit:-

“18. The requirement of seven years' experience though is composite has exclusive feature of three years' experience in the Fire Brigade on the post, which can be considered equivalent to the post not below the rank of Station Officer. Thus, out of total seven years' experience in Fire Brigade, three years should be on the respective. The appellant has attempted to bifurcate it into two parts of 4 years and 3 years, but the language of Rule 3(c) does not envisage this feature. It only commands of distinct



experience of three years on a post in Fire Brigade. If the Rule making authority had the intention to include the experience gained before acquiring the educational qualification as required under Rule 3(b) (i), the same could have formed the part of Rule 3. There is no positive covenant permitting the inclusion of experience prior to attaining the qualification in the entire Rule 3, hence the contention of the appellant about bifurcation of experience in Rule 3 does not merit acceptance."

7.3. Thus, it would appear that unlike in the present case, where a specific experience was required for a specific post, which had lower qualifications than the requirement of the post in question for which the advertisement is issued, the recruitment rule in the case before the Hon'ble Division Bench confirming the decision of the learned Coordinate Bench, was completely different.

7.4. It also appears that the Hon'ble Division Bench had relied upon decision of the Hon'ble Apex Court in case of Indian Airlines Limited and Ors. vs. S. Gopalakrishnan, reported in 2001 (2) SCC 362 and whereas, while paragraph no.5 of the decision of the Hon'ble Apex Court had been relied upon by the Hon'ble Division Bench, in the case of hand before the Hon'ble Supreme Court, the recruitment rules clearly provided that 'experience will be computed after the



date of acquiring necessary qualifications'. Such a clear mandate is not found in the present recruitment rules.

7.5. Furthermore, it would also be relevant to observe that the learned Coordinate Bench had referred to decision of the Hon'ble Division Bench in case of K.V.Garasiya vs. Babubhai N. Gavit, reported in 1999 (1) GLR 229 and whereas, perusal of the said decision clearly reveals that the candidate in question did not have required experience as observed by the Hon'ble Division Bench since the petitioner had graduated in the year 1992 i.e. on 10.04.1992 whereas, the experience required was of 5 years after the graduation, whereas, the last date for the applications to be submitted to the recruiting body was 01.04.1996. It is in such a context that the Hon'ble Division Bench had invoked Rule 8(8) of the Classification Rules which have been referred to hereinabove to hold that the experience could be counted with reference to the last date fixed for receipt of the application on which date admittedly a candidate therein did not possess the requisite qualification of 5 years.

7.6. Having analyzed the decision relied upon by the learned Counsel for the respondent - GPSC and further having



analyzed the decision of the Hon'ble Division Bench which has confirmed the decision of the learned Coordinate Bench and also the decisions which have been relied upon by both the learned Coordinate Bench and the Hon'ble Division Bench, this Court is of the considered opinion that the facts of the case on hand are completely distinct and different than the case on hand before the learned Coordinate Bench, Hon'ble Division Bench as well as Hon'ble Apex Court. In the present case, the experience requirement is with reference to a particular post and whereas, in none of the cases, the reference is only with regard to a single post. It would thus appear that the intent of the rule making authority in the instant case reflected the intention of prescribing experience criteria gained on a particular post without any reference to gaining such experience on that particular post after gaining an educational qualification higher than what was the requirement for the post in which the experience was to be gained. Thus, in the considered opinion of this Court, the decisions relied upon and referred to in the relied upon decision as well as in the decision confirming the relied upon decision, would not advance the cause of the petitioner.



8. Again, to this Court, it would appear that if the recruitment rules only specified a requirement of 5 years experience in public health then the respondent would have been well justified in stating that the said experience qualification would only be counted after a candidate had obtained a postgraduate degree. On the other hand, since the recruitment rules clearly specify experience gained in a particular post and the said post not envisaging a postgraduate degree as a required qualification, the respondent – GPSC would not be heard to state that even though the petitioner has requisite qualification as a Medical Officer, yet, since he did not have a qualification which was not necessary for the post in question, therefore, the experience of the petitioner would not be counted.

8.1. On the other hand, the GPSC would also have been well justified in ousting the present petitioner if the recruitment rule inter alia laid down that the 5 years public health experience as Medical Officer, Class-II in the Government after the candidate has obtained a postgraduate degree or diploma in Public Health etc. whereas, the same also is not the case here. Thus, it would appear that the GPSC i.e. the



recruitment body is attempting to read a requirement which is not found in the recruitment rules at all. The recruitment rules specifying that the candidate should have 5 years experience on the post of Medical Officer, Class-II, the same could not be permitted to be deviated.

9. Considering the observations, discussion and conclusions arrived at, to this Court, the following directions would meet with the ends of justice:-

(i) The impugned action on the part of the respondent in excluding the present petitioner from interview to the post of Medical Officer of Health, Class-I is declared bad in law and illegal.

(ii) The respondent - GPSC is directed to ensure that while conducting the interview for the post in question, the petitioner is also included in the list of candidates eligible for appearing in the interview.

10. With the above directions, the present petition stands disposed of as allowed. Direct service is permitted.

11. At this stage, learned advocate Mr.Joshi submits that the present judgment may be stayed for a period of two weeks to



enable the respondent to assail the same before the Hon'ble Division Bench. The said request is vehemently opposed by learned advocate Mr.Raval, more particularly, contending that the interviews are scheduled on 11.09.2026 and whereas, under such circumstances, staying the decision would render the entire exercise infructuous. Considering the submission made by learned advocate Mr.Raval, the request made by learned advocate Mr.Joshi for the respondent is rejected.

Bhoomi

(NIKHIL S. KARIEL,J)