



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 767 of 2026

In R/SPECIAL CIVIL APPLICATION/7696/2017

With

CIVIL APPLICATION (FOR STAY) NO. 1 of 2026

In R/LETTERS PATENT APPEAL NO. 767 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

and

HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

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Approved for Reporting	Yes	No
		No

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STATE OF GUJARAT & ORS.

Versus

PARGI MANUBHAI MEGHAJIBHAI & ORS.

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Appearance:

MR ADITYA DAVDA ASST. GOVERNMENT PLEADER for the Appellant(s)

No. 1,2,3

MS ASHLESHA M PATEL(6127) for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

and

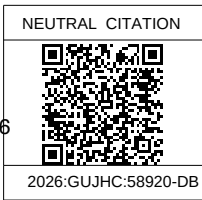
HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 17/09/2026

ORAL JUDGMENT

(PER : HONOURABLE MR. JUSTICE NIKHIL S. KARIEL)

1. Heard learned Assistant Government Pleader Mr. Aditya

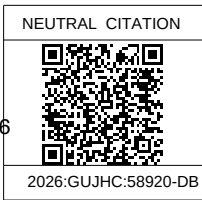


Davda on behalf of the appellant - State and learned Advocate Ms. Ashlesha Patel on behalf of opponents – original petitioners.

2. We have condoned delay caused in preferring the Letters Patent Appeal vide an order of even date. With consent of parties, we are taking Letters Patent Appeal for final hearing.

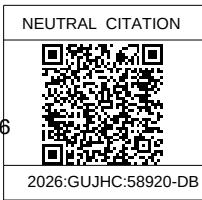
3. The present appeal assails an order passed by the learned Single Judge of this Court dated 23.03.2026 in Special Civil Application No.7696 of 2017. By the said decision, learned Single Judge having come to a conclusion that the petitioners were similarly situated to petitioners of Special Civil Application No.6026 of 2015, which decision had been confirmed by learned Division Bench as well as by Hon'ble Supreme Court, had *inter alia* directed the State to grant the same benefits as had been granted to the petitioners in Special Civil Application No.6026 of 2015.

4. It also requires to be mentioned at this stage that the fact of the petitioners in the present case being identically situated to petitioners of Special Civil Application No.6026 of 2015, had not been disputed even by the appellant – State before the learned Single Judge.



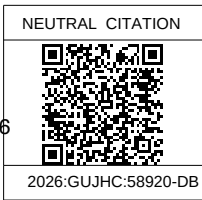
5. Heard learned Assistant Government Pleader Mr.Davda who would assail the decision of learned Single Judge by submitting that the petitioners in writ petition, had sought for benefit of regularization whereas this Court in Special Civil Application No.6026 of 2015 vide decision dated 15.06.2015 had *inter alia* directed the State to grant benefits as per the Government Resolution referred to in the prayer clause. Learned AGP submitting that the prayers essentially being different, the learned Single Judge ought not to have granted the benefit of regularization.

6. As against the same, the present appeal is vehemently objected to by learned Advocate Ms.Patel on behalf of opponents - original petitioners. Learned Advocate Ms.Patel would submit that as such, the petitioners of the present writ petition and Special Civil Application No.6026 of 2015 were identically situated. Learned Advocate Ms.Patel would submit that the benefit of Government Resolution, which has been referred to in decision dated 15.06.2015 in Special Civil Application No.6026 of 2015 was to the effect that the petitioner of the said writ petition had been granted the benefit of certain Government Resolutions. Learned Advocate would submit that the said decision, had been confirmed by Division Bench of this Court in Letters Patent Appeal No.2 of



2016 vide decision dated 23.01.2023. Learned Advocate would submit that the decision of the learned Single Judge as well as the Division Bench had been assailed before the Hon'ble Supreme Court and whereas vide a decision dated 15.03.2024, the Hon'ble Supreme Court had declined to interfere with the impugned decision albeit the question the law was kept open. It is also submitted that the petitioners of Special Civil Application No.6026 of 2015 had been in the interregnum, before the State preferred Special Leave Petition in the Hon'ble Supreme Court regularized in service vide order dated 23.08.2023. Learned Advocate would submit that since the petitioner is identically situated in all manner to the petitioners of Special Civil Application No.6026 of 2015, the benefit as had been enured in favour of the petitioners of Special Civil Application No.6026 of 2015 should also been granted in favour of the petitioners and whereas the learned Single Judge, in the impugned decision, has not granted anything further. Learned Advocate would under such circumstances, request this Court not to interfere with the order in question.

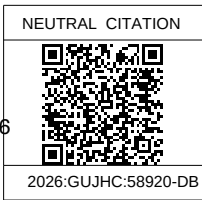
7. Having heard learned Advocates for the respective parties, and perused the documents on record including the impugned decision of learned Single Judge as well as the decision of this Court in Special Civil Application No.6026 of



2015 and the appeal preferred there against, we are of the opinion that the order of learned Single Judge dated 23.03.2026 impugned before this Court does not require any interference.

8. In this regard we note that the State has failed to point out any difference between the petitioners of the present writ petition and the petitioners of Special Civil Application No.6026 of 2015.

9. While it is true that the learned Single Judge in Special Civil Application No.6026 of 2015 vide decision dated 15.06.2015 had *inter alia* observed that the petitioners would be entitled to benefit of Government Resolution referred to in the prayer clause, and while the Division Bench had confirmed the decision, it has been pointed out that the State had regularized the services of the employees therein. Thus the State having, in compliance of decision of learned Single Judge as confirmed by learned Division Bench regularized the services of the petitioners therein, ought to consider the case of the petitioner for similar benefit. To us it would appear that except for stating that the petitioner would be entitled to the same benefits as had been granted to the petitioners of Special Civil Application No.6026 of 2015, essentially what has been



done by the learned Single Judge is following a binding precedent, which had been upheld by a learned Division Bench and also Hon'ble Supreme Court.

10. Considering such a situation, to us it would appear that no case for interference in the order passed by the learned Single Judge is made out. Having regard to the above discussion the following direction would meet with the ends of justice:

[A] Letters Patent Appeal No.767 of 2026 is rejected as being meritless.

[B] The petitioner - State shall ensure that the order of the learned Single Judge is complied with on or before 07.11.2026.

[C] If the order of the learned Single Judge is not complied with on or before 07.11.2026, interest @ of 6% upon the arrears shall be payable by the appellants from the date of filing of the original petition.

(MANASH RANJAN PATHAK,J)

(NIKHIL S. KARIEL,J)