

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (C) NO.34123 OF 2025)**

**KISHANKUMAR BABUBHAI
CHAMAR CHANGECHA
AND OTHERS** **... APPELLANT(S)**

VERSUS

**STATE OF GUJARAT AND
OTHERS** **... RESPONDENT(S)**

ORDER

AUGUSTINE GEORGE MASIH, J.

1. Leave granted.
2. The appellants herein have assailed the impugned judgment and order dated 22.07.2025 passed by the High Court of Gujarat at Ahmedabad in Letters Patent Appeal No.101 of 2025 whereby the order dated 02.07.2024 of

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the Single Judge of the High Court in Special Civil Application No.9754 of 2024 has been confirmed and their plea for quashing of the order of their termination from service from the post of Gram Sevak, Class III has been rejected.

3. Shorn of unnecessary details, the facts are that the District Panchayat Service Selection Committee, Banaskantha, Palanpur issued an advertisement inviting candidates for appointment to the post of Gramsevak, Class III. The appellants herein applied for the same and came to be selected upon being found meritorious. Appointment orders were issued after the verification of documents and they joined the services.
4. Thereafter, certain unsuccessful candidates approached the High Court challenging the non-inclusion of their names in the select lists and the inclusion of the appellants, on the ground that the appellants did not possess the requisite qualification as per the advertisement and instead possessed higher qualifications.

5. The challenge failed and the cases came to be dismissed by the High Court in Special Civil Application Nos. 12008-12010 of 2017 and Special Civil Application No.15597 of 2017 based on the reasoning that the authority had considered them to be eligible for appointment and the same could not be interfered with as it was a matter of State policy whether or not a qualification should or should not be regarded as equivalent to the prescribed qualification.
6. This judgment was set aside by the Division Bench of the High Court in LPA No.705 of 2023, with a direction to prepare fresh lists in exclusion of the appellants herein. The judgment and order of the Division Bench came to be upheld by this Court in SLP(C)No.27101 of 2023. A Review petition against the same also came to be dismissed vide order dated 23.07.2024.
7. Apprehending action, the appellants filed an application under the RTI Act seeking details of any internal communications under

contemplation by the Respondent Authorities. In response, they unearthed a communication dated 24.06.2024 issuing directions to terminate their services.

8. Since the appellants had been in service for quite a few years, they approached the High Court by way of filing Special Civil Application No.9574 of 2024 seeking accommodation in the existing vacancies, without displacement of others.
9. The Single Judge dismissed this application, consequent to which the appellants' services were terminated. This order of the Single Judge came to be confirmed by the Division Bench of the High Court by way of the impugned judgment, which is now assailed before us.
10. Learned Counsel for the appellants submits that the appellants have completed a considerable amount of years of uninterrupted service. In view of this, the High Court has failed to balance equities by rejecting their plea of accommodation. Although the High Court

acknowledged the submission regarding the existing vacancies, their plea came to be rejected solely due to change in the body responsible for recruitment.

11. Learned Counsel for the State, on the other hand, supports the impugned order and has argued that no interference is called for. It is submitted that in 2021, the District Panchayat Service Selection Commission functioning in the respective districts were dissolved and the recruitment to Class III panchayat posts was centralised. After this, all appointments are to be carried out strictly through the Gujarat Panchayat Service Selection Board. Since the appellants were appointed by the District Board and not by the centralised board, they cannot now be brought back into service by a different body.
12. We are unable to accept the submission of the Learned Counsel for the State in this regard. The change in the recruiting authority is a matter of administrative reorganisation and

cannot visit its consequences upon employees who were selected, duly verified, and had rendered years of service in the interregnum.

13. Pertinently, the Learned Counsel for the State has not denied the existence of vacancies and it has been admitted that there are requisite vacant posts in the relevant district. The relief sought by the appellants of absorption against existing vacancies without displacement of others thus does not prejudice any third-party rights and imposes no additional burden on the State exchequer beyond what already exists.
14. This Court takes note of the fact that the appellants had served continuously and satisfactorily for several years without any adverse remarks or disciplinary proceedings. Their removal at this stage would cause irreparable hardship disproportionate to any public interest sought to be served. No malafides have been attributed to them at any stage. This Court has consistently held that where an employee has served for a long period

without fault, equitable considerations must weigh in their favour even where the original appointment may suffer from an infirmity.

15. Adding to the equities in favour of the appellants, it has also come on record that a subsequent amendment has been made to the Rules to Gram Sevak, Class III in Superior Panchayat Service Recruitment Rules, 2014 wherein the degree possessed by the appellants herein has been explicitly recognised as an eligible qualification. This demonstrates that the very basis on which the appellants were excluded has since been remedied by the rule-making authority. It would thus be inequitable to permanently shut them out of service on account of a disqualification that the State itself no longer recognises.
16. In these peculiar facts and circumstances, considering that the appellants were in service for a considerable period of time, the lack of malafides on their part, the subsequent recognition of their qualification under the

amended Rules, and the existence of admitted vacancies, we are of the considered view that the ends of justice would be met by directing the adjustment of the appellants against the existing vacant posts in the relevant district without displacing any incumbent appointee.

17. We accordingly direct as follows:

- (i) The Respondent-State and the Gujarat Panchayat Service Selection Board shall adjust the appellants herein against the existing vacant posts of Gram Sevak, Class III in Banaskantha district within a period of eight weeks from today.
- (ii) Such adjustment shall be treated as a fresh appointment from the date of this order.
- (iii) The appellants, it is further clarified, shall not be entitled to any benefit, whatsoever, of the prior service, if any, rendered by them as Gram Sevak. The appellants shall be placed at the end of the seniority list as existing today.
- (iv) This order is confined to the appellants alone and in the peculiar facts of this case, shall not be treated as a precedent.

18. The appeal is accordingly disposed of in the above terms.

19. Pending application(s), if any, stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;
MAY 4, 2026.**

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. OF 2026
(ARISING OUT OF SLP (C) NOS.461-464 OF 2026)

**VIJAYKUMAR
RAMSANGBHAI CHAUDHARI ... APPELLANT(S)**

VERSUS

**NEHA RAMESHBHAI
RATHOD AND OTHERS ETC. ... RESPONDENT(S)**

ORDER

AUGUSTINE GEORGE MASIH, J.

1. Leave granted.
2. The present appeals assails the impugned judgment and order dated 22.07.2025 of the High Court of Gujarat in LPA No. 439 of 2025 and LPA No.441 of 2025, and judgment and order dated 12.09.2025 in R/Miscellaneous Civil Application No.2090 and 2093 of 2025, whereby the claim of the appellant herein for

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appointment to the post of Gram Sevak, Class III in District Mehsana, on the ground of being similarly situated to the appellants in LPA No.705 of 2023 has been rejected.

3. The relevant factual background is that the appellant participated in the recruitment process for the post of Gram Sevak, Class III and his name came to not be included in the select list. Certain candidates possessing a higher qualification were, however, selected and appointed in their District.
4. Similar events transpired in District Banaskantha, where candidates who possessed the exact qualification prescribed in the advertisement were overlooked in favour of those with higher qualifications. The aggrieved candidates approached the High Court. The Single Judge of the High Court initially declined relief, holding that candidates with higher qualifications were eligible. The Division Bench, however, reversed this in LPA No. 705 of 2023, holding that the qualification criterion in the

advertisement was precise and exhaustive, and directed preparation of a fresh select list excluding candidates with higher qualifications. This Court upheld that order in SLP(C) No. 27101 of 2023, and dismissed the Review Petition filed against it.

5. The appellant being similarly situated to the appellants in LPA No. 705 of 2023 submitted representations to the authorities for extension of the same benefit. However, relief was declined to him, citing delay on his part in approaching them.
6. Aggrieved, the appellant approached the Single judge of the High Court by way of Special Civil Application No.12862 of 2024. The Single Judge allowed the application, holding that the appellant was similarly situated to the petitioners in LPA No. 705 of 2023 and that there was no legal basis to deny him the benefit of the same ruling.
7. The private respondents herein, whose services stood to be affected by the order, preferred LPA

No. 439 and 441 of 2025 before the Division Bench of the High Court.

8. By way of the impugned order, the Division Bench allowed the appeals and set aside the judgment of the Single judge. The review petition filed against the same was also dismissed. Aggrieved by the said orders, the appellant is now before us.
9. Learned Counsel for the appellant submits that it is not disputed that the appellant possesses the requisite degree and that his name was included in the provisional select list. In this light, the High Court has erred in not granting relief to him, especially when benefit has been extended to similarly situated petitioners in the districts of Banaskantha and Aravali.
10. Per contra, Learned Counsel for the Respondents submit that the appellant, despite being fully aware of the impugned action of the Mehsana district for a considerable period of time, has not given any cogent justification for the failure to approach the appropriate court at

the relevant point of time. Being a fence-sitter, he is deemed to have acquiesced to the said action and the appeal deserves to be dismissed on the ground of delay and laches alone.

11. It is also submitted that it would be inequitable to displace the private respondents as they were duly selected after participating in the process. They have continued to discharge their duties for a considerable period of time and their services have been regularised.
12. Furthermore, it is submitted that granting such relief to the appellant would create an anomalous situation whereby similarly placed candidates from other districts in the State of Gujarat who participated in the process and were excluded therefrom would seek similar relief. The resultant multiplicity in proceedings would create administrative chaos and would entail substantial financial implications.
13. Having heard learned Counsel for the parties and having perused the record, we are of the

view that the impugned order warrants interference.

14. We note that LPA No.705 of 2023 was decided on 10.11.2023 and was upheld by this Court in December 2023. The appellant made a representation and filed Special Civil Application No.12862 of 2024 shortly thereafter. The delay, if any, is attributable to the appellant pursuing administrative channels before approaching the court and cannot be a sufficient ground to deny him the benefit.
15. It is further noteworthy that the Respondents have not disputed, either before the High Court or before this Court, that the appellant possesses the requisite educational qualification as prescribed in the advertisement. Nor is it in dispute that the appellant figured in the provisional merit list. His exclusion from the final select list was not on account of any deficiency in their qualification or merit, but solely due to the preference given to candidates

with higher qualifications. His eligibility, thus, stands unimpeached.

16. We are, however, equally mindful of the position of the private respondents, who have served for a considerable amount of years and have also been regularised. It has come on record, and is not disputed before us, that vacancies exist in the post of Gram Sevak, Class III in District Mehsana. The existence of such vacancies removes any administrative impediment to the grant of relief and renders the concern of displacing the private respondents wholly unnecessary. The present case is thus not one where granting relief to one set of parties necessarily comes at the expense of another.
17. In the peculiar facts and circumstances, we accordingly direct as follows:
 - (i) The Respondent-State and the Gujarat Panchayat Service Selection Board shall appoint the appellant herein against the existing vacant post of Gram Sevak, Class III in district Mehsana within a period of eight weeks from today, without disturbing

the employment of the private respondents herein.

(ii) Such appointment shall be treated as a fresh appointment for all intents and purposes from the date of this order and shall not confer any claim to back wages, seniority, or continuity in service. The appellant shall be placed at the tail-end of the seniority list as existing today.

(iii) This order is confined to the appellant alone and in peculiar facts of this case, shall not be treated as a precedent.

18. The appeal is accordingly disposed of in the above terms.

19. Pending application(s), if any, stand disposed of.

.....**J.**
[**SANJAY KAROL**]

.....**J.**
[**AUGUSTINE GEORGE MASIH**]

NEW DELHI;
MAY 4, 2026.