

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8270 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14010 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14093 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14194 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14226 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14227 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14228 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14229 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14268 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14279 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14291 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14292 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14293 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14294 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14295 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14296 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14297 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14298 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14299 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14300 of 2014****With****R/SPECIAL CIVIL APPLICATION NO. 14301 of 2014**

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With
R/SPECIAL CIVIL APPLICATION NO. 16290 of 2014

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PATEL KIRITKUMAR KANTILAL

Versus

STATE OF GUJARAT

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Appearance:

MR NIRAV C THAKKAR(2206) for the PETITIONER(s) No. 1

**MR MANAN MEHTA ASSTT. GOVERNMENT PLEADER(1) for the
RESPONDENT(s) No. 1**

MR HS MUNSHAW(495) for the RESPONDENT(s) No. 2

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CORAM: HONOURABLE MR.JUSTICE RAJESH H.SHUKLA

Date : 10/08/2018

ORAL ORDER

In this group matters when the argument was about to be concluded, in a rejoinder by learned Asstt. Government Pleader, Shri Manan Mehta, on instructions, has stated that the confidential report of the committee on the basis of which the show cause notices were given and thereafter the impugned order of termination have been issued, he would like to file the affidavit explaining the grounds or the basis on which such action was taken. This has been strongly opposed by learned Senior counsels

Shri Shalin Mehta, appearing with learned advocate Shri Hemang Shah as well as learned advocate Shri Kaushik Pujara and other advocates stating that it is not justified and that they have objections. Further, learned advocate Shri Pujara has referred to the judgment of the Hon'ble the Apex Court **Mahipal Singh Tomar Vs State of Uttar Pradesh and Ors (2013) 16SCC 771** and pointedly referred to the observations in para 13 to support his contentions that it should not be permitted at this stage and the time may not be granted as requested. The request made at the later stage when the arguments were about to be concluded may not be justified.

2. However, in the interest of justice and in order to provide opportunity to the State also to have the stand of the Government on affidavit which necessitated this action, it would be appropriate that a chance may be granted.

3. In the circumstances, therefore, by way of indulgence the matters are adjourned with a direction that learned Asstt. Government Pleader may file affidavit on oath with regard to the contents of the report and about whatever the stand the State desires to take. Further the copy of the affidavit may

be served to learned counsels appearing for the petitioners in advance by atleast a week. Therefore, it would leave sufficient time to enable them to make submissions with regard to the contentions raised in the affidavit. Therefore, the matter is adjourned finally to 4.9.2018 at 2:30 pm.

4. As the matters have been heard substantially they may be treated as part heard. Registry may place it before the Hon'ble Chief Justice for appropriate orders.

(RAJESH H.SHUKLA, J)

MARY