

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

**CIVIL APPEAL NO.5294/2025  
[ @ SLP(C) No.21341/2022 ]**

**DIVYANK YASHVANTBHAI BHATT**

**Appellant(s)**

**VERSUS**

**THE STATE OF GUJARAT & ORS.**

**Respondent(s)**

**WITH**

**CIVIL APPEAL NO.5295/2025  
[ @ SLP(C) No 3524/2023 ]**

**AND**

**CIVIL APPEAL NO(S).5296/2025  
[ SLP(C) No.10892/2025 ]  
[ @ Diary No(s).14910/2025 ]**

**O R D E R**

1. Delay condoned. Leave granted.
2. These appeals arise against the judgment and orders passed by the High Court of Gujarat at Ahmedabad dated 29-06-2022 in LPA Nos. 859, 848 and 854/2022 in Special Civil Application No.9555/2022. Brief facts necessary for the disposal of these appeals are as follows.
3. Respondent no. 3 herein, the Modasa Municipality, had

issued two advertisements dated 07.12.2011 and 18.01.2012 for recruitment to various posts and the appellants and the private respondents herein had applied for the same. After taking an exam and interviews, the municipality sent a proposal to the District Collector, Sabarkantha seeking approval of the list of its selected candidates. This approval is required by a circular dated 04.02.2004 issued by the state government under Section 49(1) of the Gujarat Municipalities Act, 1963.<sup>1</sup> Despite receiving no response from the District Collector and in anticipation of an approval, appointment orders were issued on 01.09.2012 in favour of the selected candidates, including the appellants. Respondents 4-25 in Civil Appeals arising out of SLP © No. 21341/2022 and Diary No. 14910/2025, and respondents 4-23 in the Civil Appeal arising out of SLP (C) No. 3524/2023 are the rejected candidates who filed Appeal nos. 1, 2 and 3 of 2013 before the Collector (now Regional Commissioner) under the Municipalities Act citing irregularities in the appellants' appointment. Initially, by an order dated 11.08.2014, the Collector had allowed the said appeals and cancelled the entire recruitment process. In parallel, the District Collector also took a decision on the approval sought by the municipality and by an

<sup>1</sup> Hereinafter referred to as the 'Municipalities Act'.

order dated 06.12.2014, refused to grant an approval to the appellants' appointment.

4. The appellant(s) had challenged the order dated 11.08.2014 by way of a revision before the Secretary, Urban Development, who remanded the matter to the Collector for fresh consideration. The rejected candidates challenged the same by filing writ petitions before the High Court, which was disposed of by order dated 23.01.2018 directing the Collector to reconsider the matter and pass fresh orders after hearing all concerned parties.

5. On remand, the District Collector (now the Regional Commissioner by virtue of a notification by the state on 30.07.2018) allowed the case of the rejected candidates and set aside the entire recruitment process. The appellant and other selected candidates filed appeals before the Commissioner of Municipalities, Gujarat, who by an order dated 07.05.2022, dismissed them. Both the orders of the Regional Commissioner and by the appellate authority were challenged by the appellant(s) in a writ petition bearing number R/Special Civil Application No. 9555/2022 before the Ld. Single Judge of the High Court. The Ld. Single Judge dismissed the same by an order dated 17.06.2022, due to which the appellants filed

## Letters Patent Appeals.

6. It is important to note that the services of the appellant(s) and other selected candidates were terminated on 28.06.2022, after a tenure of almost 10 years.

7. By way of the impugned order, the Division bench dismissed the appeals upholding the order of the Ld. Single Judge. It was reasoned that the appointment of the appellant(s) and similarly selected candidates was in violation of the circular dated 04.02.2004. It also noted that the order dated 06.12.2014, by which the Collector rejected the approval was never challenged by the selected candidates. Hence, the present appeals.

8. By order dated 04.03.2025, this Court directed the State to take instructions as to whether the appellants could be accommodated if there are some vacancies available with the municipality.

9. Pursuant to our order, an affidavit dated 03.04.2025 has been filed by Mr. Ramesh R. Damor, Regional Commissioner (authorised officer of the municipality) on behalf of the State of Gujarat. Relevant portions of the affidavit are as

under :

"6. I say that, the letter explicitly states that, with respect to Point No. 2, no objections were raised against Shri Sunil G. Purohit, who secured first place in merit for the post of Sanitary Inspector and served from 01.09.2012 to 27.06.2022. Hence, his appointment confirmation with retrospective effect has been sought. Similarly, as per Point No. 3, Shri Devang C. Soni, selected for the post of Technical Assistant, was the highest-ranked candidate on merit and served from 01.09.2012 to 27.06.2022. Accordingly, his appointment confirmation with retrospective effect has also been requested. Furthermore, as per Point No. 7, Shri Kunjan Hasmukhbhai Chaudhary, who was initially selected for the post of Clerk-cum-Computer Operator, fulfilled all eligibility criteria as per the recruitment and promotion rules. Having served from 01.09.2012 to 27.06.2022 and secured the highest merit score, his appointment confirmation to the post of Clerk-cum-Computer Operator with retrospective effect has been requested.

7. I say that, the regularisation of the appointment qua these posts mentioned in the letter dated 12.01.2023 is pending at the level of the Regional Commissioner, Municipalities, Gandhinagar. Although the approval for the appointment from the Chief Officer was duly forwarded, the necessary administrative and procedural clearances have yet to be completed.

8. I say that, a letter of communication was issued by Chief Officer, Modasa Municipality dated 03.04.2025 regarding the vacancies and appointment of the Petitioners. It is pertinent to mention that out of the 12 vacancies mentioned, only seven (7) posts have been filled, with four (4) candidates appointed on a contractual basis and three (3) employed on an

outsourcing basis. The remaining five (5) posts are currently vacant.

9. I say that, the Petitioners are currently working on an 11-month contractual basis. However, Petitioner DivyankYashvantbhai Bhatt, who applied for the post of Fire Officer, does not possess the requisite qualifications for the position. As a result, he is not currently employed at the post of Fire Officer."

10. As per the above affidavit, it has been stated by the State Government that Divyank Yashvantbhai Bhatt, appellant in the main matter is not eligible. However, the affidavit states that appellants in other appeals viz Devang Chabildas Soni, Sunilkumar Gulabsinh Purohit and Kunjan Hasmukhbhai Chaudhary in Civil Appeal arising out of SLP(C) No. 3524/2023 can be accommodated against the vacancies that exist.

11. In view of the above, while we are not inclined to interfere in SLP(C) No. 21341/2022 filed by the Divyank Yashvantbhai Bhatt, we direct that he is at liberty to avail all such remedies as are available to him including application for fresh appointment.

12. Appeals filed by Devang Chabildas Soni, Purohit Sunilkumar Gulabsinh and Kunjan Hasmukhbhai Chaudhary in Civil Appeal arising out of SLP(C) No. 3524/2023 is allowed.

13. The affidavit does not indicate the position with respect to Avinash Hareshbhai Kadiya, who is the appellant in the Civil Appeal arising out of D.No. 14910/2025. We direct that the respondents consider his appointment against any vacancy and pass appropriate appointment orders accommodating him in the same, if he is found eligible.

14. We make it clear that the appointment letter(s) issued will indicate that it shall be operational notionally from the date of the termination and appellants will not be entitled to any back wages. However, they shall be entitled to all notional benefits.

15. With these directions, the Civil Appeals stand disposed of.

16. No order as to costs.

. . . . .J.  
[PAMIDIGHANTAM SRI NARASIMHA]

. . . . .J.  
[JOYMALYA BAGCHI]

New Delhi  
17-04-2025

ITEM NO.62

COURT NO.11

SECTION III

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 21341/2022

[Arising out of impugned final judgment and order dated 29-06-2022 in LPA No. 859/2022 passed by the High Court of Gujarat at Ahmedabad]

DIVYANK YASHVANTBHAI BHATT

Petitioner(s)

VERSUS

THE STATE OF GUJARAT &amp; ORS.

Respondent(s)

IA No. 180406/2022 - EXEMPTION FROM FILING O.T.

IA No. 162942/2024 - EXEMPTION FROM FILING O.T.

WITH

SLP(C) No. 3524/2023 (III)

FOR ADMISSION and I.R. and IA No.183786/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.183788/2022-EXEMPTION FROM FILING O.T.

Diary No(s). 14910/2025 (III)

IA No. 71972/2025 - CONDONATION OF DELAY IN FILING

IA No. 71974/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 71994/2025 - EXEMPTION FROM FILING O.T.



Date : 17-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Shamik Shirishbhai Sanjanwala, AOR  
Mr. Aditya Tripathi, Adv.  
Ms. Shubhangi Agarwal, Adv.

Mr. Shreeyash Lalit, Adv.  
Ms. Mandavi Pandey, Adv.  
Mr. Vikas Tripathi, Adv.  
Mr. Pulkit Srivastava, AOR

For Respondent(s) :Ms. Deepanwita Priyanka, AOR

Mr. Haresh Raichura, AOR

Mr. Siddharth H. Raval, Adv.  
Mr. Yadav Narender Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned. Leave granted.
2. The Civil Appeals are disposed of in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(INDU MARWAH)  
AR-cum-PS  
(signed order is placed on the file)

(NIDHI WASON)  
COURT MASTER (NSH)