

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15340 of 2025**

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DEVIBEN BHIKHABHAI VASH
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR NR KODEKAR(5020) for the Petitioner(s) No. 1
SHIVANG P JANI(8285) for the Petitioner(s) No. 1
MS. KINJAL VYAS, AGP for the Respondent(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 02/12/2025
ORAL ORDER

1. At the outset, the draft amendment tendered pursuant to the order dated 29.11.2025, in which the minutes are also placed on record, is taken on record and granted. The members of the Scrutiny Committee are added as respondent Nos. 4, 5, and 6. The amendment shall be carried out forthwith.
2. Heard learned Senior Advocate Mr. P K Jani with learned Advocate Mr. Archit Jani and learned advocate Mr. Nachiket Kodekar for the petitioner and learned AGP Ms. Kinjal Vyas for the respondent-State.
3. Learned Senior advocate Mr. Jani pointed out that

the real sister of the present petitioner, namely, Vejeeben Bhikhabhai Vash who also applied for the post of Police Inspector, was asked to produce the caste certificate and when she produced her caste certificate that was also questioned by the Committee which was constituted for the genuineness of the certificate. Ultimately, the said Committee referred the matter to the Vigilance Cell and the Vigilance Cell found the caste certificate to be in order, the matter was referred to Scrutiny Committee and, thereafter, Scrutiny Committee gave a report in relation to the caste certificate which was against the petitioner and the Scrutiny Committee unanimously accepted the aforesaid report of the Vigilance Cell and though the Committee approved the decision taken by the Vigilance Cell, the Chairman, Scrutiny Committee took a unilateral decision and questioned the genuineness of the caste certificate and that is how the real sister of the petitioner was required to file a petition before this Court being SCA No. 8206 of 2020 which was decided by the Co-ordinate Bench of this vide order dated 25th

September, 2020 and the petition was allowed.

4. The State preferred an appeal against the aforesaid order and the aforesaid Letters Patent Appeal No. 306 of 2021 along with CA No.1 of 2021 (for Stay) was dismissed vide order dated 21st Oct, 2021 by Division Bench of this Court. Ultimately, the sister of the petitioner had to prefer an application for contempt before this Court being Miscellaneous Civil Application No.83 of 2021 and the order was complied with and ultimately the Miscellaneous Civil Application No.83 of 2021 in SCA No. 8206 of 2020 was complied with and ultimately the contempt application was disposed of vide order dated 28th December, 2021.

5. Learned Senior Advocate Mr. Jani drew attention of the Court that all these things had happened in respect of real sister of the present petitioner and the aforesaid facts were also brought to the notice before the Scrutiny Committee which verified the certificate of the petitioner on 29.11.2025. Upon Court's request, the minutes *qua* the petitioner of the Scrutiny Committee was made available to the Court and the Court finds

that the Scrutiny Committee took note of the orders passed in SCA No.8206 of 2020 and order passed in LPA No.306 of 2021. Though the aforesaid orders are referred in the minutes of the Scrutiny Committee, for some extraneous reasons or in view of absolute non-application of mind, the Scrutiny Committee referred the case of the present petitioner also to the Vigilance Cell who happens to be real sister of petitioner of SCA No. 8206 of 2020, namely, Vjeeben Bhikhabhai Vas and, therefore, interest of justice would be served at this juncture, if each of the members of the Scrutiny Committee is directed to file an affidavit and state on oath that whether they had actually considered the aforesaid two orders passed by the Co-ordinate Bench of this Court in SCA No.8206 of 2020 as well as LPA No.306 of 2021 passed by Division Bench of this Court in respect of real sister of the petitioner or not. If they have considered those orders and despite the matter was referred to Vigilance Cell, what was those extraordinary things/material which they found to be examined through Vigilance Cell and those facts were

not placed before Division Bench of this Court or Coordinate Bench of this Court at the time when the petitioner's sister preferred the petition.

6. In the event, if there was no such material can it not be said to be a case of sheer non-application of mind on the part of Scrutiny Committee of referring the matter to the Vigilance Cell. The members of the Committee are also directed to file such affidavit individually latest by 8th December, 2025.

7. Learned Advocate Mr. Shivang Jani seeks permission to join (i) Ms. K. S. Gadhvi (ii) Mrs. M. S. Sayed (iii) Ms. C. R. Chaudhary in their personal capacity as respondent Nos. 4 , 5 and 6.

8. The aforesaid order was passed in the first session, and at this juncture, learned AGP, as per her instructions, submitted that the three officers had requested that no order be passed, as they were prepared to review their own decision. Accordingly, the matter was kept at 2:30 p.m.

9. At 2:30 p.m., it was again stated before the Court that the panel of respondent Nos. 4, 5, and 6 was in

the process of withdrawing the decision dated 29.11.2025, and that a fresh order, after considering all relevant aspects, would be passed by 4:30 p.m. However, at 4:10 p.m., the AGP Ms. Vyas, on instructions, submitted that it would not be possible to revise the order dated 29.11.2025.

10. Prima facie, this gives an impression that the approach of respondent Nos. 4, 5, and 6 has been absolutely casual, and throughout the day an attempt has been made to mislead the Court by indicating that they intended to review their own decision referring the case to the Vigilance Cell on 29.11.2025. Such an approach on the part of high-ranking officers is wholly unjustified and improper. Had such requests not been made in the morning as well as at 2:30 p.m., the Court would not have devoted time to repeatedly hearing the matter at 2:30 p.m. and 4:10 p.m., which could have been avoided and utilised for hearing other matters.

10. Be that as it may, I am constrained to pass this further order regarding the developments that took

place at 4:10 p.m., as the same indicates the approach, attitude, and uncertainty/insincerity of the officers concerning the Court proceedings.

11. Let the affidavit be filed on or before 09.12.2025. List the matter on 09.12.2025. A copy of this order shall be sent to the Chief Secretary, Gujarat State through the office of the Government Pleader, for perusal.

List the matter on 9th December, 2025.

(NIRZAR S. DESAI,J)

PARMAR CHIRAG