

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 347 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 394 of 2025
With
R/LETTERS PATENT APPEAL NO. 348 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 376 of 2025
With
R/LETTERS PATENT APPEAL NO. 349 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 347 of 2025
With
R/LETTERS PATENT APPEAL NO. 351 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 381 of 2025
With
R/LETTERS PATENT APPEAL NO. 352 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 382 of 2025
With
R/LETTERS PATENT APPEAL NO. 353 of 2025
In
R/SPECIAL CIVIL APPLICATION NO. 384 of 2025

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**SARDAR VALLABHBHAI PATEL INSTITUTE OF
TECHNOLOGY & ANR.**

Versus
KIRTI H NIRALGIKAR & ANR.

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Appearance:

MR PA JADEJA(3726) for the Appellant Nos. 1,2
HARSHESH R KAKKAD(7813) for the Respondent No. 2
MR SANDIP H MUNJYASARA(10781) for the Respondent No. 1

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA
and
HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 25/03/2025

COMMON ORAL ORDER**(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. Pursuant to the order dated 7th March, 2025, a report dated 19th March, 2025 is prepared by the President, Gujarat Educational Institutions Services Tribunals and Addl. Secretary, Education Department has issued the communication dated 24th March, 2025 relating to installation of CCTV and virtual hearing. The same are ordered to be taken on record.

2. The communication dated 24th March, 2025 written by the Additional Secretary, Education Department to the Registrar General of this Court relating to the functioning of virtual hearing facility is ordered to be taken on record. The details of the report reveals that daily working hours of the Tribunal in the morning sitting is at 11:00 a.m. to 1:45 p.m., lunch break is from 1:45 p.m. to 2:30 p.m. and the afternoon sitting commenced from 2:30 p.m. to 5:00 p.m.

3. Mr. G. H. Virk, learned Government Pleader has assured that the Tribunal will be conducting the judicial proceedings strictly as per the time given above. He has also submitted that the members of the Tribunal proposes to interact with the members of the Bar for the smooth functioning of the Tribunal. So far as installation of CCTV cameras and the facility of virtual hearing is concerned, the Report dated 24th March, 2025 mentions that such facility will be available within 2 months.

4. It is also clarified by us that no adverse inference shall be drawn in favour of any of the advocates, who are named in the said report and the Tribunal shall not be influenced with the statements, which are recorded in the said report.

5. At the out-set the matters are taken-up for hearing today, the only issue involved in the present Letters Patent Appeals is with regard to the fixation of the dates in which the applications filed before the Tribunal are directed to be decided by the learned Single Judge i.e. latest by 31st July, 2025.

6. Mr. P. A. Jadeja, learned advocate for the appellants submitted that the date fixed by the learned Single Judge of 31st July, 2025 will be detrimental to the interest of the present appellant - institution as they need to pay salary to the respondents - employees.

7. On the other hand, Mr. Sandip H. Munjyasara, learned advocate for the respondent no.1, has fairly pointed-out the judgment of the Supreme Court in the case of **High Court Bar Association, Allahabad Vs. State of U.P. & Ors.**, dated 29th February, 2024 passed in Criminal Appeal no.3589 of 2023, wherein the Supreme Court has observed that "*The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame.*"

8. Thus, the only issue raised is relating to the directions

issued by the learned Single Judge directing the Tribunal to decide the applications filed before it latest by 31st July, 2025. At this stage, we may incorporate the observations of the Supreme Court in the case of *High Court Bar Association, Allahabad (supra)*:

“32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.

33. There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional Courts. Those litigants who can afford to approach the constitutional Courts cannot be allowed to take undue advantage by getting an order directing out-of-form disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame. In a sense, no Court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the concerned Courts unless there are very extraordinary circumstances.”

Thus, in light of the aforesaid directions, we alter the

directions issued by the learned Single Judge for deciding the applications by fixing the date of 31st July, 2025, instead the said directions shall be read that the “Tribunal shall hear the parties and decide all these applications as expeditiously as possible.” We also direct that the parties to these applications shall fully co-operate with the Tribunal for its expeditious disposal.

9. The learned Single Judge has already clarified in its order that the Court has not examined the merits of the matter and any observations made by the Court in the impugned judgment and order may not influence the proceedings before the Trial Court, as those are only tentative in nature. Thus, all the rights and contentions of the respective parties are left open. The Tribunal, after hearing the respective parties, shall pass the appropriate order deciding the applications, without influenced by the order passed by the learned Single Judge.

10. With the aforesaid observations, the present Letters Patent Appeals stand ***disposed*** of.

(A. S. SUPEHIA, J.)

(NISHA M. THAKORE, J.)

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