

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 18020 OF 2017

RABARI PRABHATBHAI GUGUBHAI & ORS.

Appellant(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 18021 OF 2017

J U D G M E N T

KURIAN, J.

1. The appellants approached this Court, aggrieved by the Judgment dated 07.10.2016 passed by the High Court of Gujarat in LPA No. 406 of 2016. The issue pertains to the appointment of Drivers in the Subordinate Courts in the State of Gujarat. There is no dispute that the appellants had already been selected, five of them in the General category and one in the Socially and Economically Backward Category (SEBC). However, on account of the peculiar system of operation of the option, the appellants could not be adjusted since the High Court applied only the first option.

2. According to the appellants, the very concept of option is that, in case the first option is not

available, naturally the consideration should have been given to the second and third, since the three districts were permitted to be opted.

3. When the matter was being heard by this Court, it was noticed that the High Court had initiated a fresh process of selection in respect of 24 vacancies of drivers. In that background, on 05.04.2018, this Court passed the following order :-

*"Mr. Nikhil Goel, learned counsel appearing on behalf of the High Court of Gujarat, produced a statement showing the Cadre and Categorywise vacancies for the post of Driver on the establishment of the Subordinate Courts, in the State of Gujarat, as on 17.04.2017.*

*The said statement shows 24 posts of the Drivers are available. All the 24 posts are now notified for being filled up. Having regard to the totality of the facts and circumstances, we are of the opinion that the interest of justice would be met if the appellants are adjusted to any of the 24 pots.*

*Mr. Goel, learned counsel, seeks two weeks' time to get instruction and to file an affidavit in that regard.*

*Call on 19.04.2018."*

4. In response to the order dated 05.04.2018, an affidavit dated 16.04.2018 has been handed over to

the Court on behalf of the High Court today, which is taken on record. It is seen from the affidavit that there are vacancies available and the appellants can be suitably adjusted, in case this Court orders so.

5. It is not in dispute that five of the appellants had originally been selected under the General Category and one in the Socially and Economically Backward Category. In the above circumstances, these appeals are disposed of with a direction to the second respondent to adjust the appellants accordingly, by appointing them as fresh candidates in their respective categories. We make it clear that this Judgment is passed in the peculiar facts of these cases and it is not to be treated as a precedent.

6. We direct the High Court to issue a necessary corrigendum regarding the reduction in the number of vacancies, within two weeks.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ MOHAN M. SHANTANAGOUDAR ]

.....J.  
[ NAVIN SINHA ]

New Delhi;  
April 19, 2018.

ITEM NO.3

COURT NO.5

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 18020/2017

RABARI PRABHATBHAI GUGUBHAI &amp; ORS.

Appellant(s)

VERSUS

STATE OF GUJARAT . &amp; ORS.

Respondent(s)

WITH

C.A. No. 18021/2017 (III)

Date : 19-04-2018 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. N. K. Majumdar, Adv.  
Mr. Rajiv Kumar, Adv.  
Mr. Binod Kumar Singh, Adv.  
Mr. Kusum Chaudhary, AOR

For Respondent(s) Mr. Nikhil Goel, AOR  
Ms. Naveen Goel, Adv.  
Mr. Ashutosh Ghade, Adv.  
  
Ms. Hemantika Wahi, AOR  
Ms. Vishakha, Adv.  
Ms. Shodhika Sharma, Adv.

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

The appeals are disposed of in terms of the signed  
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)

PS : Affidavit dated 16.04.2018 (in original) handed over by  
counsel in Court is annexed with this Judgment.