

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 4834 of 2024

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Sd/-

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	YES
2	To be referred to the Reporter or not ?	YES
3	Whether their Lordships wish to see the fair copy of the judgment ?	NO
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	NO

NATIONAL ASSOCIATION FOR THE BLIND THROUGH ITS SECRETARY
TARKESHWAR KHEMARAM LUHAR & ANR.

Versus

THE STATE OF GUJARAT & ORS.

Appearance:

SIDDHARTH R KHESKANI(9483) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 2,3,4

MR SAHIL TRVIEDI, AGP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 26/03/2024

ORAL JUDGMENT

1. Heard learned advocate Mr.Siddharth Kheskani on behalf of the petitioners and learned Assistant

Government Pleader Mr.Sahil Trivedi on behalf of the respondent - State.

2. Rule returnable forthwith. Learned AGP waives service of Rule for respondent State.

2.1. At the outset, learned advocate Mr.Kheskani tenders a draft amendment. The same is granted. To be carried out by 26.03.2024.

2.2. The present petition had been moved by the petitioners on 20.03.2024 and whereas intermittently the present petition has been heard on 21.03.2024 and it had been heard today also. Considering the urgency raised in the petition, more particularly since it was felt that issuance of notice to the Union of India would have resulted in the petition itself being rendered infructuous, this Court had deemed it appropriate to hear and decide the petition without any reference to the respondent nos.3 and 4 more particularly since the petitioners were aggrieved by a decision of the respondent no.2.

3. The present petition has been moved by petitioner nos.1

and 2 - Organization along with petitioner nos.3 to 15 who are applicants who had applied for selection to the post of Gujarat Sub-ordinate Services Class-III (Group-A and Group-B) advertised by the respondent no.2 vide advertisement dated 03.01.2024. The advertisement inter alia prescribes educational qualification required for candidates being of having a recognized graduation degree.

3.1. The petitioners seek to challenge a public notice dated 19.03.2024 issued by the respondent no.2 whereby it was inter alia laid down that the instructions published by respondent no.2 on 16.03.2024 at paragraph no.3 (4) pertaining to a scribe given to a physically impaired candidate which was that a scribe should not be having educational qualifications beyond 8 standard was modified to the extent that the scribe could be having educational qualification of studying in 9th standard and could also have completed 9th standard, but, could not be having qualifications beyond 9th standard and whereas the age of the scribe which was prescribed being upto 16

years, was increased to being upto 18 years.

3.2. It is the case of the petitioners that the petitioners no.3 to 15 who are all physically impaired candidates/ persons with disabilities would be required to appear in a computer based examination being conducted by the respondent no.2 where originally the respondents had fixed a criteria that a scribe who would assist the persons with disability in writing the examination should be having the maximum qualification of studying in the 8th standard and not aged above 16 years whereas, vide the impugned notice, it has been modified to the education qualification of the scribe being 9th standard completed or studying in 9th standard and aged upto 18 years.

4. Learned advocate Mr.Kheskani on behalf of the petitioners would submit that the decision of the respondents of prescribing the educational qualification of the scribe being 9th standard or less is contrary to the policy of the central government vide Office Memorandum dated 29.08.2018 more particularly the same having been adopted by the State vide a

communication dated 24.06.2019 by the Social Welfare and Empowerment Department which had directed all the departments of the State to strictly adhere to the terms and conditions of the said Office Memorandum of the central government.

4.1. Learned advocate would submit that as per Clause-5 of the Office Memorandum dated 29.08.2018, services of a scribe could be availed either by opting for a scribe from the panel scribes prepared by the examining body or the candidate opting for his own scribe. It is submitted by learned advocate that while the respondent no.2 did not have a panel of scribes and whereas the respondents are attempting to restrict the petitioners and such other similarly situated persons from getting a scribe of their own choice, by prescribing restrictions beyond the Office Memorandum dated 29.8.2018. It is submitted by learned advocate that the Clause-6 of the above Office Memorandum inter alia states with regard to the qualifications of the scribe not being more than minimum qualification criteria of the examination in

case the scribe is provided by the examination body. Learned advocate would emphasize on the later portion of the said clause which inter alia states that the qualification of the scribe should always be matriculate or above. Learned advocate would further submit that sub-paragraph of the said clause also states that in case the candidate is permitted to bring his own scribe, then the qualification of the scribe should be one step below the qualification of the candidate taking the examination. Learned advocate Mr.Kheskani would submit that a conjoint reading of the said clause would mean that in case a candidate brings the scribe himself, then the minimum qualification of the scribe should be matriculate and whereas, the scribe should be having less qualification then the requisite qualification of the examination in question.

4.2. Learned advocate would submit that the qualification for the selection being graduation, the respondent no.2 has completely erred in directing that the qualification of the scribe should be less than

standard 9. Learned advocate would submit that considering the educational qualification required in the selection, the qualification which the scribe could have should be below graduation. Learned advocate would submit that the respondent no.3 being under an obligation to follow the Office Memorandum, is not empowered to fix their own criteria with regard to a scribe provided to a physically impaired candidate.

4.3. Learned advocate would, at this stage, rely upon a decision of the Hon'ble Apex Court in case of **Vikash Kumar vs. Union Public Service Commission and Ors.** reported in **(2021) 5 SCC 370** inter alia submitting that the Hon'ble Apex Court had inter alia directed that the Office Memorandum of 2018 shall be strictly followed by all the authorities throughout the country and whereas, learned advocate would submit that physically impaired candidates, according to the said decision, are required to be accommodated as much as reasonable.

4.4. Learned advocate Mr.Kheskani, at this stage, would also draw the attention of this Court to Office

Memorandum dated 09.09.2020 whereby the Office Memorandum dated 29.08.2018 has been revoked and the original guidelines vide Office Memorandum dated 26.02.2013 have been reinstated. Learned advocate Mr.Kheskani would submit that there is not much difference between the 2018 and 2013 policy except as regards preparation of the panel of scribes and also laying down flexibility in case of change of scribe in emergency. Both the Office Memorandums i.e. dated 26.2.2013 & 9.9.2020 being tendered across the Bar to this Court by learned Advocate for the petitioners.

4.5. Learned advocate Mr.Kheskani would also draw the attention of this Court to an order passed by the Commissioner under the Rights of Persons with Disabilities Act, 2016 having intervened and having inter alia directed the respondents to republish the instructions in line of the guidelines under the Office Memorandum dated 29.08.2018.

4.6. Learned advocate Mr.Kheskani would also draw the attention of this Court to two particular issues as

regards the scribe inasmuch as all the scribes/ candidates or the authorized representatives being required to travel upto the office of the respondent no.2 for verification of the scribe and the scribe/candidate not knowing the specific date when the examination would be held for the candidate. Learned advocate Mr.Kheskani, under such circumstances, more particularly alleging violation of the Office Memorandum dated 29.08.2018, would required this Court to intervene.

5. On the other hand, this petition is vehemently objected to by learned Assistant Government Pleader Mr.Sahil Trivedi.

5.1. At the outset, learned AGP, under instruction, would submit that insofar as the issues with regard to the scribe/ candidate/ their authorized representative being required to travel upto Gandhinagar is concerned, the suggestion of this Court on the last hearing has been considered positively by the respondent no.2 and appropriate modification in the instructions is being carried out which will ensure

that the scribe / candidate / the authorized representative can have a verification done at the district headquarter level.

5.2. Further, as regards the scribe / candidate not being aware about the date of exam in advance, it is submitted that call letters will be issued through online portal by 27.03.2024 which will denote the date of examination of each candidate and therefore, the grievance of the candidates not being informed about a specific date would also be taken care of.

5.3. Insofar as the issue with regard to non-implementation of the Office Memorandum dated 29.08.2018, learned AGP would, at the outset, submit that the said Office Memorandum would not be applicable in case of the present petitioners since the guidelines are for conducting the written examinations whereas the present examination is a Computer Based Response Test (CBRT) which is an OMR based computer test conceived as an elimination test by the respondent no.2. It is submitted that the format of the examination not being the written

examination format and since the examination is computer based OMR examination, therefore, the respondents would not be required to strictly follow the requirement as mentioned in the Office Memorandum.

5.4. Learned AGP would further submit that it is already notified that the level of computer based response test is upto the 10th standard - matriculate level and therefore, the respondent no.2 was of the opinion that the scribes could not be allotted to candidates who are having qualification of more than 9th standard which would be one step below the minimum criteria of the examination in question as per the Office Memorandum dated 29.08.2018. Learned AGP would further submit that the examination being the computer based response test and not examination as envisaged in the selection i.e. mains examination, therefore, the respondent no.2 is well justified in fixing the qualification of the scribe as of being having studied upto standard 9 or having studied standard 9th only.

5.5. Learned AGP would further submit that since the petitioners are being permitted to bring a scribe of their own choice and even considering the criteria from the view point of the Office Memorandum dated 29.08.2018 which states that the qualification of the scribe should not be more than the minimum qualification criteria of the examination, the respondents had decided to permit the scribe having the educational qualification only upto the 9th standard. Learned AGP submits that the respondents having acted in good faith and having acted to ensure that the sanctity of the selection process is maintained, therefore, this Court may not interfere.

5.6. Learned AGP would rely upon the decision of the Hon'ble Apex Court in case of **Union of India vs. Pushpa Rani and Ors.**, reported in **(2008) 9 SCC 242** in support of his submissions.

6. Heard learned advocates for the respective parties and perused the documents on record.

7. At the outset pertinent issue requires clarification before

this Court addresses the aspect on merits. The issue being Office Memorandum dated 9.9.2020. A perusal of the said Office Memorandum reveals that Office Memorandum dated 29.8.2018 has not been cancelled, rather Office Memorandum dated 9.9.2020 only clarifies that till panel of scribes are formed, departments shall not conduct exams as per guidelines vide Office Memorandum dated 29.8.2018, rather examinations shall be conducted as per guidelines vide Office Memorandum dated 26.2.2013. Comparing Office Memorandums dated 26.2.2013 and 29.8.2018, the marked difference that appears clearly is the absence of any restriction with regard to a scribe. On the other hand, Office Memorandum of the year 2018 envisages restrictions as regards educational qualification of scribe. Now, as far as the State of Gujarat is concerned, while Office Memorandum dated 29.8.2018 has been adopted and has been directed to be strictly followed including direction to modify exam rules as per the said OM, nothing has been brought to the notice of this Court as regards the State having issued instruction to follow guidelines vide Office Memorandum dated 26.2.2013.

Therefore, this Court deems it appropriate to adjudicate the present controversy from the perspective of Office Memorandum dated 29.8.2018.

7.1. Reverting back to the issue on merits, the primary question which requires consideration of this Court is whether the Office Memorandum dated 29.08.2018 / Office Memorandum dated 26.02.2013 would be strictly applicable to the facts of the present case or were the respondents empowered to lay down maximum qualification for scribes in a manner not in consonance with the guidelines in Office Memorandum of 2018. This Court is also required to consider whether the respondents i.e. respondent no.2 is justified in prescribing the qualification of a scribe brought by a physically impaired candidate, as having the qualification of studying in 9th standard or having studied upto the 9th standard i.e. whether the respondent no.2 was empowered to prescribe a criteria for a scribe other than as provided in Office Memorandum dated 29.08.2018.

8. At the outset, before stating my findings on the issues

raised hereinabove, it would be apposite to refer to observations of the Hon'ble Apex Court in case of **Vikash Kumar (supra)**. Paragraph nos.60, 61, 62 and 63 of the said decision being relevant for the present purpose, are being reproduced hereinbelow for benefit:-

“60. At the heart of this case lies the principle of reasonable accommodation. Individual dignity undergirds the RPwD Act, 2016 . Intrinsic to its realization is recognizing the worth of every person as an equal member of society. Respect for the dignity of others and fostering conditions in which every individual can evolve according to their capacities are key elements of a legal order which protects, respects and facilitates individual autonomy. In seeking to project these values as inalienable rights of the disabled, the RPwD Act, 2016 travels beyond being merely a charter of non-discrimination. It travels beyond imposing restraints on discrimination against the disabled. The law does this by imposing a positive obligation on the State to secure the realization of rights. It does so by mandating that the State must create conditions in which the barriers posed by disability can be overcome. The creation of an appropriate environment in which the disabled can pursue the full range of entitlements which are encompassed within human liberty is enforceable at law. In its emphasis on substantive equality, the enactment of the legislation is a watershed event in providing a legal foundation for equality of opportunity to the disabled.

61. As a social construct, disability encompasses features broader and more comprehensive than a medical condition. The RPwD Act, 2016 recognizes that disability results in inequality of access to a range of public and private entitlements. The

handicaps which the disabled encounter emerge out of disability's engagement with the barriers created by prejudice, discrimination and societal indifference. Operating as restraining factors, these barriers have origins which can be traced to physical, social, economic and psychological conditions in society. Operating on the pre-existing restraints posed by disability, these barriers to development produce outcomes in which the disabled bear an unequal share of societal burdens. The legislation has recognized that remedies for the barriers encountered by the disabled are to be found in the social environment in which they live, work and co-habit with others. The barriers encountered by every disabled person can be remedied by recognizing comprehensive rights as inhering in them; rights which impose duties and obligations on others.

62. The principle of reasonable accommodation acknowledges that if disability as a social construct has to be remedied, conditions have to be affirmatively created for facilitating the development of the disabled. Reasonable accommodation is founded in the norm of inclusion. Exclusion results in the negation of individual dignity and worth or they can choose the route of reasonable accommodation, where each individuals' dignity and worth is respected. Under this route, the "powerful and the majority adapt their own rules and practices, within the limits of reason and short of undue hardship, to permit realization of these ends."

63. In the specific context of disability, the principle of reasonable accommodation postulates that the conditions which exclude the disabled from full and effective participation as equal members of society have to give way to an accommodative society which accepts difference, respects their needs and facilitates the creation of an environment in which the societal barriers to disability are progressively answered.

Accommodation implies a positive obligation to create conditions conducive to the growth and fulfilment of the disabled in every aspect of their existence – whether as students, members of the workplace, participants in governance or, on a personal plane, in realizing the fulfilling privacies of family life. The accommodation which the law mandates is ‘reasonable’ because it has to be tailored to the requirements of each condition of disability. The expectations which every disabled person has are unique to the nature of the disability and the character of the impediments which are encountered as its consequence.”

8.1. The Hon’ble Apex Court has inter alia observed that reasonable accommodation and maintaining of individual’s dignity are the essential characteristics of the Right of Persons with Disabilities Act, 2016 (hereinafter referred to as ‘RPwD Act, 2016 for short). The Hon’ble Apex Court has observed that the enactment of the legislation is to provide a legal foundation for equal opportunity to the disabled and whereas barriers encountered by disabled people are required to be remedied by recognizing comprehensive rights as inhering in them. The Hon’ble Apex Court in this context has observed that the principle of reasonable accommodation inter alia acknowledges a positive obligation to create conditions conducive to the growth and fulfilment of

the disabled and whereas the accommodation which the law mandates has to be reasonable according to the requirements of the disabled.

8.2. The above discussion in the context of the fact that Office Memorandum dated 29.08.2018 which is being relied upon by the petitioners, lays down the guidelines for conducting examination for persons with benchmark disabilities being a part of the accommodation envisaged under the RPwD Act, 2016 for persons with disabilities while appearing in examinations.

9. It also requires to be mentioned at this stage that while the respondent no.2 herein is attempting to state that the accommodations envisaged by the State by coming out with the impugned notice is in tandem with the guidelines, though such submissions being made with a rider that the Office Memorandum may not be strictly applicable to the facts of the present case since what is envisaged is a computer based OMR test and not a written test as envisaged in the guidelines. The submission on part of the respondent no.2 being that

since the method of the examination had changed, therefore, they were empowered to come out with their own modifications to the maximum qualification permissible for persons appearing as scribe with disabled candidates.

10. At the outset, the rational behind the guidelines is required to be appreciated. As observed hereinabove, the guideline is in the nature of a reasonable accommodation by the society for ensuring equal opportunity to the disabled. The accommodation envisaged is to bring a person to the examination who would give the answers in writing etc. in place of the candidate, the rational being to ensure an additional support to the disabled candidate by the society to elevate the level of the persons with disabilities, more particularly, to ensure a level playing field and to further ensure that equality in opportunity is not denied and the disabled candidate stands at par with his able bodied counterparts. The essential character of the memorandum would not change on account of the examination being a computer based OMR examination.

What is required to be appreciated is whether the respondent - State, in absence of the 2018 guidelines, have any guidelines of their own which cater to the needs of the disabled in context of giving equal opportunity in the matter of examination where the examination is a computer based OMR examination. Furthermore, what is also required to be appreciated is the fact that the 2018 guidelines were framed to ensure that there is a uniformity in grant of reasonable accommodation to persons with disabilities all over the country.

10.1. As a matter of fact, while the State has not come out with any guidelines to cater to a situation like the present, the State Government nor also recognized the requirement of following the guidelines vide Office Memorandum dated 29.8.2018 for ensuring uniformity in grant of benefits to disabled, and whereas the Social Justice and Empowerment Department of the State vide communication dated 24.06.2019 to all the departments had inter alia directed that the guidelines vide Office Memorandum

dated 29.8.2018 are to be strictly adhered to and appropriate modifications in the examination rules are to be made by the individual departments to ensure that persons with disabilities can get the entire benefit as envisaged under the said guidelines.

10.2. In the considered opinion of this Court, unless the State came out with a uniform policy for furthering the concept of reasonable accommodation to the disabled when it came to computer based OMR examination, the guidelines issued by the central government will have to be followed in its letter and spirit. The guidelines being in furtherance of the RPwD Act, 2016 which enactment was in the nature of a beneficial legislation, technical objections could not be raised to bypass the substantive rights made available under the said Office Memorandum. Thus, the primary issue which fell for consideration of this Court is answered in negative.

11. Now, coming to the issue of maximum educational qualification of a scribe is concerned, while it is contended by learned advocate Mr.Kheskani that the

educational qualification for selection being of graduation, the educational qualification of the scribe could be anything less than graduation. On the other hand, it is submitted by learned AGP that since the present examination is an elimination test for the main examination and whereas since the syllabus level of the present examination is fixed at 10th standard, therefore, as per the Office Memorandum, the educational qualification fixed by the respondent no.2 being one level below i.e. of studied upto 9th standard or studying in 9th standard, is perfectly justified.

11.1. In the considered opinion of this Court, none of the propositions appear to be correct. The guidelines more particularly guideline no.6 has to be read holistically to decide the eligibility criteria of a scribe in the facts of the present case. The guideline No.VI is reproduced herein below for benefit:-

“VI. In case the examining body provides the scribe/reader/lab assistant, it shall be ensured that qualification of the scribe should not be more than the minimum qualification criteria of the examination. However, the qualification of the scribe/reader should always be matriculate or above.

In case the candidate is allowed to bring his own scribe, the qualification of the scribe should be one step below the qualification of the candidate taking examination. The persons with benchmark disabilities opting for own scribe/reader should submit details of the own scribe as per proforma at Appendix-II”

11.2. A perusal of the said guideline reveals that if a scribe is provided by the examining body, then the educational qualification of the scribe should not be more than the minimum qualification criteria of the examination. The guideline further lays down that the minimum qualification of a scribe should necessarily be matriculate or above. Importantly, the guideline further states that in case a candidate is permitted to bring his own scribe, then the qualification of the scribe should be one step below the qualification of the candidate taking examination.

11.3. Considered the guidelines, it would appear that the aspect of the qualification of the scribe is prescribed in two variations i.e. if the scribe is provided by the examining body then the scribe should not have qualification more than the minimum qualification as prescribed for the examination. Considered from the

present context, the maximum qualification a scribe should have is of being a graduate. Any qualification above graduation would disqualify the scribe. But then, the said benchmark would not apply here since the scribe is not being provided by the examination body.

11.4. On the other hand, in the instant case, what would be applicable is the later part of the guideline which specifies that in case of scribes brought by candidates themselves, the qualification should be one step below the qualification of the candidate taking examination. Thus, if the a candidate has qualification of being a graduate, then the scribe should be anything less than having a graduation degree, if a candidate is having post graduation degree, then the scribe could be anything less than a post graduation, so on and so forth.

11.5. In the considered opinion of this Court, once the guidelines recognize the above concept, irrespective of whether the examination is a computer based OMR examination or a written examination, the guidelines

should apply more particularly in absence of any specific guidelines by the State themselves. In the considered opinion of this Court, it would be fallacious to state that in written examination the guidelines would be followed and while on the other hand, since the present examination is having a syllabi of 10th standard and since the examination is a computer based OMR test, therefore, the scribe could only be having qualification less than 10th standard.

11.6. In the considered opinion of this Court, from a plain reading of the guideline as noted hereinabove, the qualification of the scribe, when the scribe is brought by the candidate himself, would relate to the qualification of the candidate and not the minimum eligibility criteria as envisaged for the examination. Any other reading of the said guideline would render the concept of reasonable accommodation otiose.

11.7. Thus, on basis of the above discussion, insofar as the question of whether the respondent no.2 was empowered to bring out their own modified criteria for a scribe, which criteria was in variance with the

guideline vide Office Memorandum dated 29.8.2018. The answer, to this Court, is an 'emphatic no'. The 2018 guidelines being recognized as the uniform guidelines to be applied throughout the country and the State of Gujarat also adopting the said guidelines, it was not open for the respondent no.2 to have attempted to modify the qualification criteria of scribe under the specious ground that the examination was a computer based OMR test.

12. Insofar as the decision in case of Pushpa Rani (supra) relied upon by learned AGP, it would appear that learned AGP is relying upon paragraph no.37 of the said decision whereby the Hon'ble Apex Court has inter alia laid down that Courts should not interfere in matters relating to abolition of posts, formation, structuring/restructuring of cadres, prescribing the source/mode of recruitment and qualifications, criteria of selection, evaluation of service record, etc. which fall within the domain of the empower. The Hon'ble Apex Court has also observed that the power of judicial review could be exercised in the above matters only if is it

shown that action of employer would contrary to any constitutional or any statutory provision or is patently arbitrary etc.

12.1. In the considered opinion of this Court, while this Court is not entering into any issue which falls within the exclusive domain of the employer more particularly since neither the respondent no.2 is the employer, the respondent no.2 being the examination conducting body and nor the present issue being in the exclusive domain of the employer, more particularly when the employer is a State or entity of the State. The issue is with regard to implementing the concept of substantive equality through reasonable accommodation as found in RPwD Act, 2016. In the considered opinion of this Court, insofar as a person with disability is concerned, the RPwD Act envisages creation of appropriate environment to enable the disabled to pursue full range of entitlements available to them and whereas, accommodation in the said context as observed by the Hon'ble Apex Court implies a positive obligation to

create conditions conducive to the growth and fulfillment of disabled in every aspect of their existence. Thus, insofar as a disabled candidate is concerned, the employer does not have any absolute right of dealing with the candidate in the manner which the employer deems fit. Rather the employer is only empowered to deal with a candidate who is a person with disability within the framework of the RPwD Act, 2016 vide Office Memorandum dated 29.08.2018 and in the instant case, as per the ambit of the guideline framed in furtherance of the RPwD Act.

12.2. In this view of the matter, in the considered opinion of this Court, the observations made by the Hon'ble Apex Court in case of Pushpa Rani (supra) would not aid the learned AGP in taking his case any further.

13. In this view of the above discussion, observations and conclusion, the impugned notice dated 19.03.2024 issued by the respondent no.2 herein is hereby quashed and set aside. Furthermore, since present is a case

where there is no panel of scribes prescribed or formed, therefore, it is declared that the respondent no.2 shall permit candidates to bring their own scribes and whereas, the only restriction being that the educational qualification of the scribe should be one step below the qualification of the candidate in question. With the above observations and directions, the present petition stands disposed of as allowed. Rule is made absolute to the aforesaid extent.

Sd/-

(NIKHIL S. KARIEL,J)

Bhoomi

FURTHER ORDER

At this stage, learned AGP Mr.Sahil Trivedi would request that the above decision may be stayed by this Court for a period of two weeks. Considering that this Court has only interpreted the provisions of the Office Memorandum dated 29.08.2018 which is also adopted by the State as a policy, while this Court is not inclined more particularly considering the submissions made by learned advocate Mr.Kheskani yet since the State wants to have the present

decision tested, let this decision remained stayed for a period of one week from the date it is uploaded on the portal of Gujarat High Court. **Direct service is permitted.**

Bhoomi

Sd/-
(NIKHIL S. KARIEL,J)