

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 425 of 2024**

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**RADHIKA SHANKARBHAI PAWAR**

Versus

**GUJARAT PUBLIC SERVICE COMMISSION (GPSC) THROUGH SECRETARY**

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Appearance:

MR BRIJESH K RAMANUJ(9898) for the Petitioner(s) No. 1  
for the Respondent(s) No. 1,2

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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

**Date : 09/01/2024**

**ORAL ORDER**

1. Heard learned Advocate Mr. Brijesh Ramanuj on behalf of the petitioner.
  
2. The grievance raised in the petition reflects the absolute gender insensitivity of the respondents towards one of the most sacred natural processes i.e. of giving birth to a child.
  
3. Facts as submitted by learned Advocate would show that while the petitioner had applied for selection to the post of Assistant Manager (Finance and Accounts) Class II which selection was advertised vide Advertisement No. 137/2019-2020, as far as back in the year 2020. It would also appear that after the selection process, the petitioner was shown as one of the successful candidates in the results declared on 08.12.2023 i.e. approximately three years after the petitioner had applied i.e after advertisement. The interview as per the

respondent- Public Service Commission was fixed for the petitioner and other candidates on 01.01.2024 and on 02.01.2024 and whereas on the date the said programme was published i.e. on 18.12.2023, the petitioner had submitted a representation inter alia informing that the petitioner is pregnant and the due date was in the 1<sup>st</sup> week of January 2024 and whereas it would be impossible for the petitioner who was residing at Gandhidham to travel to Gandhinagar almost 300 kilometers in the advanced stage of pregnancy. It appears that the petitioner had given birth to a child on 31.12.2023 and that fact had been informed to the respondent- Public Service Commission vide an E-mail of the very date and whereas it was requested by the petitioner to postpone the interview or provide an alternative solution for the same. It appears that the respondents i.e the respondents vide an E-mail had informed the petitioner that she should remain present for interview on 02.01.2024 and since it would appear that the petitioner would not be in a position to appear in the interview even on that date, therefore after 02.01.2024, no further time could be granted as replied by the respondent.

4. In the considered opinion of this Court, such a reply by the respondents reflects absolute gender insensitivity by the respondents more particularly when it was apparent that the petitioner who was a meritorious candidate, would not be physically capable of attending the interview on the 3<sup>rd</sup> day after delivering the child, yet, without considering the request of the petitioner for either postponement or for providing some alternative method had not been considered.

4.1 In the thoughtful opinion of this Court, the Public Service Commission, whose primary duty is to conduct selection process, could not have remained oblivious to such a kind of situation and such a reasonable request had been made it was incumbent upon the Public Service Commission to either postpone the interview process or to provide an alternative solution like an online interview etc. if the same is permissible as per the rules. It would also be pertinent to note here that the selection process itself was not something which was going at a lightning pace more particularly since it would appear that for an advertisement which was issued in the year 2020, the results of the examination had been declared by the GPSC only in the month of December 2023.

5. Considering above prima facie observations, it would appear that the interference is required. Hence issue **Notice** to the respondents returnable on **12.01.2024**. In the meanwhile respondent /Public Service Commission is directed not to declare results of the interview insofar as the post of Assistant Manger (Finance and Accounts) Class II published vide Advertisement No. 137/2019-2020 till further orders are passed by this Court in that regard.

**Direct service is permitted today.**

NIRU

(NIKHIL S. KARIEL,J)