

compare the merits of the candidates irrespective of seniority and DPC has considered the merits of the candidates including the petitioner. Therefore, the petitioner cannot contend that his juniors were allowed to march over him in the matter of recommending the names for promotion. In any case, even if name of respondent No.3 was not required to be recommended, that will never be a ground to hold that the petitioner was entitled to be included in the list of selected candidates for recommendation.

At this stage, it is also required to be noted that recommendation made by DPC also came to be approved by the Gujarat Public Service Commission, vide its order dated 5.10.1993, which is found at page No.112 of the affidavit dated 1.12.2011 filed on behalf of the respondent. Therefore, no error could be found with the decision of the DPC in not recommending the name of the petitioner.

For the reasons stated above, the petition is required to be dismissed. Hence, dismissed. Rule is discharged. Interim relief, if any, stands vacated forthwith. No costs.

Detail Judgement is also available on <http://www.gujarathighcourt.nic.in/>