



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 30TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 105079 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF
SCHOOL EDUCATION AND LITERACY
2ND GATE 6TH FLOOR,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE COMMISSIONER
DEPARTMENT OF SCHOOL EDUCATION,
K.R. CIRCLE,
BANGALORE-560009.
3. THE DEPUTY DIRECTOR OF PUBLIC
INSTRUCTIONS (ADMINISTRATION),
DEPARTMENT OF PUBLIC
INSTRUCTION,



OFFICE OF DDPI,
CHIKKODI 591232.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

SMT. ARUNASHRI GURAV,
W/O. AMIT PUJARI,
AGE: 35 YEARS,
OCC: HOUSEWIFE
R/O. RADDERAHATTI,
TQ. ATHANI
DISTRICT-BELAGAVI 591220.

...RESPONDENT

(BY SRI. MADANAGOUDA N. PATIL, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO, ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH IN APPLICATION NO 10338/2023 BY ORDER DATED 12.12.2023 ANNEXURE- A AND GRANT SUCH OTHER ORDER OR DIRECTION AS DEEMED FIT UNDER THE CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The State Authorities in Education Department are before this Court under Article 226 of the Constitution of India questioning the order dated 12.12.2023 in Application No.10338/2023 passed by the Karnataka State Administrative Tribunal, Belagavi (for short, 'Tribunal'), whereunder the Tribunal directed the petitioners to consider the case of the respondent for selection under Category-I/Rural/KMS/YN for the post of Primary School Teacher for 6 to 8 Classes in Mathematics and Science subject in Chikkodi District, if the same is not filled up by considering her merit, and as per the notification dated 21.03.2022.

2. Heard learned Additional Government Advocate, Sri.G.K.Hiregoudar for petitioners and learned counsel, Sri.Madanagouda N Patil for respondent. Perused the entire writ petition papers.



3. The State i.e., petitioner No.3 herein under notification dated 21.03.2022, invited applications from eligible candidates to fill up various teacher posts. The respondent in pursuance to the said notification, applied for the post of Teacher (Mathematics and Science) (Kannada) claiming reservation under Category-I, Kannada Medium Rural and under reservation meant for Project Displaced Person. Since the respondent was not selected, she approached the Tribunal challenging the select list and also sought to consider her candidature by considering the representation dated 28.02.2023. The petitioner authorities appeared before the Tribunal and filed objection stating that the candidature of the respondent was rejected on the ground that the PDP certificate produced by the respondent was not the correct certificate. In that, they also contended that the respondent candidate had not furnished the PDP certificate of her husband and had submitted the PDP certificate showing her parents. The Tribunal placing reliance on the decision of the learned Single Judge in W.P.



No.23752/2022, dated 30.09.2023, allowed the application and directed consideration of the candidature of the respondent.

4. During the course of hearing, several contentions are urged on behalf of the petitioners as well as the respondents. However, it is relevant to note that the decision of the learned Single Judge which the Tribunal relied upon to allow the application, was reversed by the Division Bench in Writ Appeal No.305/2023 and connected writ appeals by judgment dated 12.10.2023. The Division Bench at paragraphs 44 to 47 has held as follows:

"44. We have given our anxious consideration to the aforesaid submissions made on behalf of the State and the appellants. It is not in dispute that the Deputy Director of Public Instruction the appointing authority had rejected the candidature of the writ petitioners on the premise of they not furnishing the caste cum income certificates as prescribed in the notifications and had brought them under General Merit Category. This issue however requires consideration in a properly constituted petition before the Administrative Tribunal as held by us hereinabove.



45. Thus, considering imminent requirement of the Graduate Primary School Teachers and large vacancy across the State and in the interest of the students of 6 to 8 standards who are left high and dry for want of teachers, we are of the considered view that the respondent-State be permitted to proceed with appointing teachers from 13352 selected candidates as per the list dated 08.03.2023 produced at Annexure-R6 to the affidavit. It is however made clear since it is deposed in the affidavit that the said list at Annexure-R6 has been prepared and published on 08.06.2023 by taking into consideration income certificate of both husband and parents, as well as on merit cum roster, the appointment of the candidates who have not submitted the caste cum income certificate in the form prescribed in the notification and which is not in terms of Government Order dated 12.12.1986, and who are included in the list in view of the order passed by learned Single Judge be deferred until the outcome of the result of the challenge.

46. As regards the remaining 451 posts since it is contended that their names have been excluded purely on the merit basis, it is clarified that if in the event the eligibility of such candidates who have not furnished the caste cum income certificate in the prescribed form is held to be invalid, such posts may be filled from amongst the candidates who have been excluded on merits and the candidates who have submitted certificates in the prescribed form.



47. We further make it clear that this provision enabling the State Government to proceed with the process of appointment is made under the peculiar fact situation of the matter wherein the present litigation has brought the process of appointment of teachers of class 6 to 8 across the State to a grinding halt only on account of rejection of application of some of the candidates by the Deputy Director of Public Instruction for want of caste cum income certificate in the prescribed form."

5. The Division Bench was of the opinion that the dispute raised by the candidates shall have to be considered by the Administrative Tribunal and further permitted the respondent-State to proceed further with the recruitment process. Against the said judgment of the Division Bench, certain candidates approached the Hon'ble Apex Court in S.L.P. (Civil) Nos.27984-27988/2023. The said SLPs were disposed of by order dated 16.10.2025 whereby the Hon'ble Apex Court dismissed the appeals, and at paragraph 50 of the order, observed as follows:

"50. In the facts and circumstances of the case, it is expected that the KSAT shall make every endeavour to decide any application preferred on behalf of the appellants of the



second set of appeals (B) pursuant to liberty granted by the Division Bench of the High Court of Karnataka vide impugned judgment, expeditiously, preferably within six months from the date of filing of such application/applications. Further, it is made clear herein that we have only dealt with the maintainability of the writ petitions before the High Court and not gone into the merits of the instant case."

6. In the light of the above, it would be appropriate to set aside the order passed by the Tribunal and remit the matter to the Tribunal for fresh consideration in the light of the order passed by the Division Bench of this Court in Writ Appeal No.305/2023 and connected writ appeals, and also the order passed in S.L.P. (Civil) Nos.27984-27988/2023. Hence, the following:

ORDER

- i) The writ petition is allowed.
- ii) The impugned order dated 12.12.2023 passed by the Tribunal in Application No.10338/2023 is set aside.



iii) The application is remitted back to the Tribunal for fresh consideration, along with other connected applications, in light of the observations made above.

Pending interlocutory applications, if any, stands disposed of as not surviving for consideration.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

SH,KMS
Ct-cmu
LIST NO.: 1 SL NO.: 0