



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 106809 OF 2025 (S-KAT)

BETWEEN:

SRI. SADANANDA S/O. CHIDANANDA
AGED ABOUT 56 YEARS,
OCC. ASSISTANT SUB-INSPECTOR OF POLICE,
ARASIKERE POLICE STATION-583125
HARAPANAHALLI TALUK,
VIJAYANAGARA DIST.

RESIDING AT NO.425/11,
11TH WARD, SUNAGAR ONI,
ARASIKERI-583125
HARAPANAHALLI TALUK,
VIJAYANAGARA DIST.

...PETITIONER

(BY SRI. JAVALI GURURAJENDRA,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY,
ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
VIDHANA SOUDHA,
BENGALURU-560001.
2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,



KARNATAKA STATE,
NRUPATHUNGA ROAD,
BENGALURU-560001.

3. THE SUPERINTENDENT OF POLICE,
BALLARI DIST.
BALLARI-583101.
4. THE SUPERINTENDENT OF POLICE,
VIJAYANAGARA DIST.
HOSAPETE-583225.

...RESPONDENTS

(BY SRI. ,ADVOCATE)

THIS WP IS UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, FILED PRAYING TO ISSUE A APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI TO SET-ASIDE/QUASH THE IMPUGNED ORDER DATED 21.04.2025 IN APPLICATION NO.13347/2024 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BELAGAVI BENCH AT BELAGAVI (ANNEXURE-A) AS BEING ARBITRARY AND CONTRARY TO LAW, AND CONSEQUENTLY ALLOW THE APPLICATION NO.13347/2024 FILED BY THE PETITIONER AND ISSUE A WRIT OF CERTIORARI OR APPROPRIATE WRIT, ORDER OR DIRECTION TO MODIFY THE ORDER DATED 02.12.2016 PASSED IN APPLICATION NO.7035/2010 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU, COPY OF WHICH IS PRODUCED HERE AS ANNEXURE-A11, IN THE APPLICATION NO.13347 OF 2024 (ANNEXURE-B) TO THE EXTENT OF GRANTING FULL RELIEF TO THE PETITIONER IN TERMS OF SALARY ARREARS ALSO FROM 01.08.1994 TO 05.12.2017 AS ALREADY THE CONSEQUENTIAL BENEFITS HAVE BEEN ALLOWED, IN THE INTEREST OF JUSTICE AND TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR APPROPRIATE ORDER TO THE RESPONDENTS, AND DIRECT THE RESPONDENTS TO PAY THE ARREARS OF SALARY ALSO, FOR THE PERIOD FROM 01.08.1994 TO 05.12.2017 IN ADDITION TO THE ALL CONSEQUENTIAL BENEFITS AND ETC



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)

Unsuccessful applicant before the Tribunal is before this Court in this writ petition challenging the order dated 21.04.2025 in Application No.13347/2024 passed by the Karnataka State Administrative Tribunal, Belagavi (for short, 'Tribunal'), whereunder the prayer of the petitioner for a writ of mandamus to the respondents to consider his representation dated 07.07.2023 submitted on 24.07.2023 (Annexure-A19) seeking arrears of salary from 01.08.1994 to 05.12.2017 is rejected.

2. Heard Sri.G.N.Narasammanavar, learned counsel for the petitioner and Sri.G.K.Hiregoudar, learned Additional Government Advocate for respondents No.1 to 4. Perused the entire writ petition papers.



3. The petitioner was called for an interview to the post of Civil Police Constable on 03.03.1994. In pursuance to the said interview, the petitioner's name was included in the provisional select list published on 04.03.1994. However, the name of the petitioner was deleted from the final select list on the ground that, to claim reservation, his father's income is more than Rs.50,000/- per annum. The petitioner is said to have filed an appeal before the District Caste Verification Committee. The Committee is said to have directed the District Committee to consider the case of the petitioner, which in turn referred the matter to the State Government. Aggrieved by the same, petitioner was before the Tribunal in Application No.7035/2010. The Tribunal by order dated 02.12.2016, directed consideration of the case of the petitioner for appointment to the post of Civil Police Constable by including his name in the select list dated 04.03.1994. However, the Tribunal directed all consequential benefits except the arrears of salary.



4. It is stated that, in pursuance to the direction of the Tribunal, the petitioner was appointed by order dated 30.11.2017. Subsequent to joining duty, the petitioner made a representation dated 07.07.2023, submitted on 04.07.2023 (Annexure-A19), claiming consequential benefit, i.e., arrears of salary from 01.08.1994 to 05.12.2017.

5. The Tribunal, noticing that by an earlier order the arrears of salary has been denied, rejected the petitioner's application. Questioning the said order, the petitioner is before this Court.

6. On hearing the learned counsel for parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the order under challenge passed by the Tribunal. A mandamus could be issued where the petitioner establishes his legal right and where it is established that the authority has failed to exercise its statutory power.



7. In the instant case, the Tribunal, in its earlier order dated 02.12.2016 in Application No.7035/2010, while directing to consider the case of the petitioner for appointment as Civil Police Constable with all consequential benefits, denied the claim for arrears of salary. Relevant paragraph No.16 of the said order reads as follows:

"16. For the foregoing reasons, we are of the considered view that the applicant has established his case for quashing of the impugned order, accordingly we quash the order dated 15.05.2010 and further we direct the 3rd respondent to consider his candidature to include his name in the provisional select list dated 04.03.1994 for appointment to the post of Civil Police Constable with all consequential benefits except the arrears of salary. The above mentioned direction is to be complied with within a period of three months from the dated of receipt of a copy of this order."

8. The above order of the Tribunal has become final. The petitioner has not taken up the said order any further. Having accepted the said order, it is not open for the petitioner to turn around and seek for arrears of salary. Moreover, the petitioner is not diligent in prosecuting the remedy. Though the petitioner was appointed on 30.11.2017, the representation has been made only in the



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year 2023. Thus, we do not find any error in the order passed by the Tribunal and accordingly the writ petition stands ***rejected***.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

SH
LIST NO.: 1 SL NO.: 46