



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 8807 OF 2022 (S-KSAT)

BETWEEN:

MR. V. SHWETHADRI,
S/O MR VENAKTARANGA NAIKA,
AGED ABOUT 47 YEARS,
R/AT NO 78, OPP SILK FARM,
B R HILLS, YELANDUR TQ,
CHAMARAJANGAR 571 441.

...PETITIONER

(BY SRI.C K NANDA KUMAR., SENIOR COUNSEL A/W
SRI. RAGHURAM CADAMBI.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP Y THE PRL SECRETARY,
GOVERNMENT OF KARNATAKA,
DEPARTMENT OF PUBLIC WORKS,
PORTS AND INLAND WATER TRANSPORT,
VIDHANA SOUDHA, BANGALORE 560 001.
2. THE CHIRMAN
BACKLOG RECRUTIMENT COMMITTEE &
CHIEF ENGINEER,
COMMUNICATION AND BUILDING (SOUTH),
PUBLIC WORKS DEPT, K R CIRCLE,
BANGALORE 560 001.
3. MR. KRISHNAPPA,
AGED ABOUT 59 YEARS,
R/O DIDAGA VILLAGE POST, HARISAVE HOBLI,
CHANANRAYAPATNA TQ, HASSAN DIST 573 141.

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Location:
HIGH COURT
OF
KARNATAKA



4. MR. MANOJKUMAR V,
AGED ABOUT 52 YEARS,
R/AT HEDATALE VILLAGE, NANJANAGUD TQ,
MYSORE DIST 571 312.
5. MR. ANJANEYA NAYAK S,
AGED ABOUT 51 YEARS,
R/AT NAYAACA BEEDHI,
THYAVANIGE, CHANNAGITI TQ,
DAVANAGERE DIST 577 544.
6. MR. DEVENDRA,
AGED ABOUT 53 YEARS,
R./AT NO 5878, 24TH MAIN,
VIJAYANAGAR II STAGE,
MYSORE 570 017.
7. MR/ YARAKAD GOPALAKRISHNA,
AGED ABOUT 59 YEARS,
R/AT 4TH WARD NAGAR, RAILWAY GATE,
MARRIYAMAMHALLI POST, HOSPET TQ,
BELLARY DIST 583 322.

...RESPONDENTS

(BY SRI.B J ESWARAPPA., AGA FOR R1 & R2;
SRI. T P VIVEKANANDA.,ADVOCATE FOR R6;
R3 TO R5 ARE SERVED AND UNREPRESENTED;
V.C.O DATED 27/9/4-R7 STANDS ABATED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ORDER PASSED BY THE KSAT DATED 08.12.2020 IN APPLICATION NO.11378/2016 (ANNEXURE-A) AND ETC.,

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

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR



ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner, a member of Scheduled Tribe, is knocking at the doors of Writ Court for laying a challenge to the State Administrative Tribunal's order dated 8.12.2020, whereby, his Application No.11378/2016, has been dismissed. In the said Application, petitioner had called in question selection of private respondents herein vide Final List dated 14.10.2016 and had sought for a direction to the official respondents to include his name in the said list and further to issue appointment order to the post of Junior Engineer (Civil), with all consequential benefits.

2. Learned Sr. Advocate Mr.C.K.Nandakumar appearing for the petitioner submits that the order of the Tribunal has an error apparent on its face inasmuch as what has been relied upon by it has been set aside by a Coordinate Bench of this Court in W.P.12634/2017 on 26.6.2019. He also points out that the only innocuous fault of the petitioner was that he had produced the certificates of



educational qualification a bit belatedly; he hastens to add that in respect of similarly circumstanced persons, appointment orders have been issued and his client was meted out a step-motherly treatment which falls foul of Articles 14 & 16 of the Constitution of India. Lastly, he submits that in the very fitness of things, petitioner is entitled to be appointed to the post in question.

3. Learned AGA appearing for the official respondents resist the petition making submission in justification of the impugned order of the Tribunal and the reasons on which it has been constructed. He tells us that when a period is prescribed for production of documents, the candidates have to scrupulously produce them accordingly and that those who cross the deadline cannot be granted any benefit in a constitutional jurisdiction, prescription of time period for such production being mandatory. Lastly, he contends that petitioner cannot seek parity in treatment against those who were granted benefit in breach of law. So contending, he seeks dismissal of the petition.



4. Having heard the learned counsel for the parties and having perused the Petition Papers, we are inclined to grant indulgence in the matter as under and for the following reasons:

4.1 The subject recruitment is a backlog recruitment drive specially undertaken for the benefit of members of downtrodden community namely Scheduled Castes/Scheduled Tribes. Admittedly, the petitioner holds the prescribed educational qualification for being selected and appointed to the post in question. Merely because there was some delay in producing the original certificates of qualification, appointment cannot be denied, more particularly when the candidates belonged to oppressed classes and the prescription of timeline for production of such documents not being shown to be mandatory. Added, the vehement assertion of petitioner's counsel that other similarly circumstanced candidates have been granted appointment, is not denied. What prejudice would be caused to public interest by singling out the candidate like



petitioner for a differential treatment has not been demonstrated.

4.2 There is force in the submission of Mr.Nandakumar that his client having secured more marks than the selected candidates, is obviously more meritorious and therefore, denying appointment to him violates the rule of merit that operates between the candidates belonging to oppressed classes *inter se*. Granting appointment to the candidates who are less meritorious *qua* the petitioner amounts to placing premium on unmeritorious selection and that offends the rule against arbitrariness and therefore, is violative of Article 14 vide ***E.P.ROYAPPA vs. STATE OF TAMIL NADU***, AIR 1974 SC 555.

4.3 Mr.Nandakumar is right in telling us that the Tribunal's order is unsustainable because of the aforesaid Coordinate Bench's decision in ***Mr.GIRIRAJA vs. STATE***, wherein remand was made to the Tribunal. However, at the hands of Tribunal, matter proceeded as if there was no such decision of the Bench. In other words, Tribunal acted



upon something that was already set at naught by the Coordinate Bench. Thus, there is error apparent on the face of record. Added, the very approach of the Tribunal to the substance of the matter lacked elements of justice and that constitutes another error apparent on the face of the record.

4.4 Learned AGA appearing for official respondents does not much dispute that there are several vacancies left unfilled because of non-availability of candidates from among the oppressed class. Added, selection of the petitioner figures in additional list. All this has not been duly considered by the Tribunal which was swayed away by its earlier order that was set aside by the Coordinate Bench, as is discussed above. Even otherwise, a holistic perusal of the impugned order does not reflect elements of justice. Courts and Tribunals cannot deny relief to the deserving litigants by casually quoting some jurisprudential theories. A contra argument would offend rules of reason & justice.



In the above circumstances, this petition succeeds; a Writ of Certiorari issues quashing impugned order of the Tribunal; petitioner's Application No.11378/2016 having been partly favoured, a writ of mandamus issues to the official respondents 1 & 2 to grant appointment to the petitioner as Junior Engineer (Civil) and report compliance to the Registrar General of this Court within eight weeks.

Costs reluctantly made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

Snb/cbc
List No.: 1 Sl No.: 27