



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST 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. 34892 OF 2024 (S-KSAT)

BETWEEN:

SRI. RAVIKUMAR G,
S/O GEMYA NAIKA,
AGED ABOUT 49 YEARS,
WORKING AS ASSISTANT TEACHER,
GOVERNMENT HIGH SCHOOL KOKKANURU,
HARIHARA TALUK, DEVANAGERE DISTRICT-577 601.
...PETITIONER
(BY SRI. MURALI B S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF PRIMARY & SECONDARY EDUCATION,
VIDHANE SOUDHA, BANGALORE-500 001.
REPRESENTED BY ITS SECRETARY.
2. THE COMMISSIONER FOR PUBLIC INSTRUCTIONS,
NEW PUBLIC OFFICES, NRUPATHUNGA ROAD,
BANGALORE-560 001.
3. THE DIRECTOR (SECONDARY EDUCATION)
DEPARTMENT OF EDUCATION,
OFFICE OF THE COMMISSIONER FOR PUBLIC
INSTRUCTIONS, NRUPATHUNGA ROAD,
BANGALORE-560 001.
4. THE JOINT DIRECTOR (ADMINISTRATION)
DEPARTMENT OF EDUCATION,
OFFICE OF THE COMMISSIONER FOR PUBLIC
INSTRUCTIONS, NRUPATHUNGA ROAD,
BANGALORE - 560 001.

Digitally
signed by
CHETAN B C
Location:
HIGH COURT
OF
KARNATAKA



5. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
DAVANAGERE,
DAVANAGERE DISTRICT - 577 006.
6. THE BLOCK EDUCATION OFFICER,
SCHOOL EDUCATION DEPARTMENT,
HARIHARA, HARIHARA TALUK,
HARIANAGERE DISTRICT - 577 601.
7. THE HEAD MASTER
GOVERNMENT HIGH SCHOOL,
KOKKANURU, HARIHARA TALUK,
DAVANAGERE DISTRICT - 577 530.
8. THE BLOCK EDUCATION OFFICER,
SCHOOL EDUCATION DEPARTMENT,
CHANNAGIRI, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213.
9. THE HEAD MASTER,
GOVERNMENT HIGH SCHOOL,
GOVERNMENT HIGH SCHOOL YULODHAHALLI VILLAGE,
DHAGINAKATTE POST, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 501.

...RESPONDENTS

(BY SRI.B RAVINDRANATH.,AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 02.07.2024 PASSED BY THE KSAT IN A.No-5331/2023 VIDE ANNEXURE-A IN SO FAR AS THE PETITIONER IS CONCERNED AND II) CONSEQUENTLY ALLOW THE APPLICATION No-5331/2023 ON THE FILE OF THE KSAT BANGALORE AS PRAYED FOR IN SO FAR AS THE PETITIONER IS CONCERNED AND ETC.,

THIS WRIT PETITION, COMING ON FOR ORDERS 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 is grieving before the Writ Court against State Administrative Tribunal's order dated 02.07.2024 whereby his Application No.5331/2023 has been negated. In the said Application, the essential request of the Petitioner was to treat his appointment dated 10.11.1998 as being intact notwithstanding that he reported for duty on 12.11.1998 and in the meanwhile, the decision of this Court in **BASAVARAJA NAGOOR v. STATE OF KARNATAKA & ANOTHER, ILR 1999 KAR 1814**, was rendered on 11.11.1998.

2. Learned counsel for the Petitioner argues that in terms of Rule 18(1) of Karnataka Civil Services (General Recruitment Rules) 1977 as interpreted by this Court in **W.P.NO.9552/2023 (S-KSAT)**, between **SRI. M RAME GOWDA & OTHERS v. THE STATE OF KARNATAKA & OTHERS**, disposed off on 17.03.2025, reporting for duty is one thing and seniority is another. Rule 18(1) of 1977



Rules provides for joining time of two weeks and that once the appointee joins within the said period, the appointment becomes accomplished, notwithstanding any *nova casa intervenes* such as, the decision in **BASAVARAJA NAGOOR** *supra*. We agree with this.

3. The vehement submission of learned AGA that the decision in **BASAVARAJA NAGOOR** *supra* that came on 11.11.1998 i.e., one day after Petitioner's appointment, would cast its shadow and therefore, the impugned order of the Tribunal cannot be faltered, does not have reason or logic. A decision of a Court is always prospective unless otherwise stated. We have not been shown any elements of its retrospectivity and therefore, all appointments done prior to the said decision are left intact. The reasoning of the Tribunal that runs counter to this view therefore cannot be sustained. It is noteworthy that the State in its Reply Statement dated 17.04.2024 at Paragraph Nos. 6 & 7 has stated as under:



"6.It is submitted that against the said order W.A.5807/1998 was filed by the respondents which was dismissed on 26-11-1999 affirming the order passed by the learned Single Judge that the candidates who have already been appointed by giving rural weightage should not be disturbed.

7. It is submitted that against the judgment passed in writ appeal, SLP was filed which was also dismissed...."

4. Learned AGA sought to justify order of the Tribunal on the ground of *non-joinder* of necessary parties which the Tribunal itself has made one of the reasons to deny justice to the Petitioner, we do not agree with the same. A civil servant ordinarily would not be knowing where he stands in the assumed Seniority List and whom has to join as a party. Thus the law is fairly settled that where a Seniority List is prepared in gross violation of fundamental principles of Service Jurisprudence, ordinarily those who would otherwise suffer ranking are not necessary parties.

In the above circumstances, this Petition succeeds; a Writ of Certiorari issues quashing the impugned order of



the Tribunal; Petitioner's Application No. 5331/2023 having been allowed, a Writ of Mandamus issues to reckon his service w.e.f. 10.11.1998 for all practical purposes including Seniority List.

This exercise/order should be implemented and reported to the Registrar General after informing to the Petitioner within an outer limit of three months.

Costs reluctantly made easy.

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

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

Bsv
List No.: 1 Sl No.: 7