



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 105785 OF 2023 (S-CAT)

BETWEEN:

1. P.S.GURURAJA
S/O. LATE SANJEEVA MURTHY RAO,
AGED ABOUT 53 YEARS,
#118, MARUTHI NILAYAM,
6TH MAIN, 6TH CROSS, T.P.KAILASAM ROAD,
SAPTHAGIRI EXTN., TUMKURU - 572 102.
2. B.N.MANJULA W/O. LATE SRIDHARAN,
AGED ABOUT 51 YEARS,
PLATIN EXOTICA APARTMENT,
FLAT NO.004, 16/27, 1ST MAIN ROAD,
GNANABHARATHI, DUBASIPALAYA
KENGARI SATELITE TOWN,
BENGALURU - 560 060.
3. VIJAYALAKSHMI C. D/O. LATE CHAMAIAH,
AGED ABOUT 60 YEARS,
2221, 6TH CROSS, SIDDARTHA
HOSTEL, MAIN ROAD, ASHOKAPURAM,
MYSURU - 570 008.
4. C. PRAKASH S/O. K.N.C. SWAMY,
AGED ABOUT 54 YEARS,
26, 7TH CROSS, JNANAJYOTHINAGAR,
BENGALURU - 56.

Digitally signed by
VISHAL
NINGAPPA
PATTHAL
Location: High
Court of Karnataka,
Dharwad Bench,
Dharwad



5. C. LOKESHA S/O. M. CHANDRAPPA,
AGED ABOUT 49 YEARS,
66/B, VASANTHAPURA,
NEAR SAIBABA TEMPLE,
SUBRAMANYAPURA POST,
BENGALURU – 61.
6. KUSUMA.V.G W/O. SASHIKUMAR,
AGED ABOUT 53 YEARS,
805, 31ST CROSS, 4TH T BLOCK,
TILAKNAGAR, BENGALURU – 41.
7. ARUNA DINESH LINGAYATH
W/O. LATE DINESH LINGAYATH,
AGED ABOUT 45 YEARS,
15/21, LASHKARIBAGH, KAMAL CHOWK,
NAGPUR – 440 017.
8. P. LIYAKATH ALI KHAN
S/O. P. GHOUSE KHAN,
AGED ABOUT 58 YEARS,
100/17/2/10, CMR PALLI
PROFESSOR COLONY, KADAPPA.
9. T.S. SANTHANA GOPALA KRISHNA
S/O. T.V. SRINIVASA MURTHY,
AGED ABOUT 56 YEARS,
717, 23RD CROSS, 4TH MAIN,
VIDYARANYAPURAM,
MYSURU – 570 008.
10. A.C. RANI W/O. JOSEY. E.J.,
AGED ABOUT 55 YEARS,
EDEZHATHU HOUSE, BISHOP ROAD,
KUMBALANGHI POST, COCHIN – 682 007.
11. LAKSHMIPATHY R.
S/O. M. C. RAJAMANICKAM,
AGED ABOUT 48 YEARS,
NEW NO.12, OLD NO.26,
ANNA PILLAI STREET, 3RD LANE,



SOWCARPET POST,
CHENNAI – 600 001.

12. MALA R. W/O. RAVISHANKAR,
AGED ABOUT 46 YEARS,
15/16, BANK COLONY, 2ND STREET,
MADHAVARAM MILK COLONY,
TIRUVALLUR, CHENNAI – 600 051.
13. M.C. NAGARAJA
S/O. M.S. CHANDRASHEKAR,
AGED ABOUT 49 YEARS,
9, 3RD MAIN, BRINDAVAN LAYOUT,
SUBRAMANYAPURA POST,
BENGALURU – 560 061.
14. PUSHPALATHA S. NIKKAM
W/O. SRIKANT V. NIKKAM SAIDAPUR,
AGED ABOUT 52 YEARS, DANDIN ONI,
NEAR AMBHABHAVANI TEMPLE,
DHARWAD – 580 008.
15. RAMESH R. S/O. RAMASAMY,
AGED ABOUT 48 YEARS,
1ST CROSS, NAGARAHOLE CIRCLE,
VEERABADRESHWARA NAGAR,
HEROHALLI, BENGALURU – 91.
16. RAJALAKSHMI H.K.
W/O. DR. M.R. SUNDARARAJ,
AGED ABOUT 51 YEARS,
4822 MALOLA, 2ND STAGE, SATAGALLI,
SHAKTHINAGAR POST, MYSURU – 570 019.
17. RAVI P. W/O. PAPANNA C.,
AGED ABOUT 54 YEARS,
267, 2ND MAIN, 3RD CROSS, KOGILU LAYOUT,
YELAHANKA, BENGALURU – 64.
18. SHOBHA P.R. C/O. ARUNAKSHI,
AGED ABOUT 47 YEARS,
SHRUNGAGIRI SHARADA NILAYA,



PENSION MOHALLA, 2ND CROSS,
SHIVAMOGGA - 5.

19. SHYAMALA.M.E. W/O. ANAND,
AGED ABOUT 50 YEARS,
SREE RANGA, 2ND CROSS,
MAHALAKSMI NAGAR,
BATWADI, TUMKURU - 572 103.
20. M. MADHAVAN
S/O. LATE P.S. MURALI,
AGED ABOUT 47 YEARS,
76, GOKULAM, 9TH CROSS, SIR M.V. NAGAR,
KOWDANAHALLI MAIN ROAD,
BENGALURU - 16.
21. ANIMESH DAS,
AGED ABOUT 43 YEARS,
BAHARDWAJ PALLI, BURNPUR,
WEST BENGAL -713 325.
22. K. KUMAR S/O. K. RAMACHANDRAIAH,
AGED ABOUT 52 YEARS,
306, SRI KRISHNA RESIDENCY,
UPADAYA NAGAR, TIRUPATI - 517 501.
23. KOPPU SUBRAMANYAM
S/O. LATE K. SUBBARATNAM,
AGED ABOUT 51 YEARS,
17-714-B, THILAKNAGAR, GUNTAKAL - 515 801.
24. D. NARAYANA RAO S/O. D. PEDDAIAH,
AGED ABOUT 54 YEARS,
17/560-B2, BSS COLONY, GUNTAKAL- 515801.
25. J. ANNALAKSHMI W/O. ANAND KUMAR,
AGED ABOUT 61 YEARS,
5, N T BLOCK, OORAGAM POST,
KOLAR GOLD FIELD - 563 120.
26. DILIP HEMBRAM,
W/O. LATE MANGAL CHANDRA HEMBRAM,



AGED ABOUT 52 YEARS,
VILLAGE: BABUI GERIA, BAGHASTI POST,
MIDNAPORE WEST DISTRICT,
WEST BENGAL – 721 133.

... PETITIONERS

(BY SRI. K. SHIVAKUMAR, ADV. FOR
SRI. M/S HOLLA AND HOLLA, SRI. VIVEK HOLLA
& SRI. CHANDRASHEKHAR S., ADVS.
APPEARED THROUGH V.C.)

AND:

1. UNION OF INDIA,
REPRESENTED BY ITS EXECUTIVE DIRECTOR
(ESTABLISHMENT), RAILWAY BOARD,
RAIL BHAVAN, RAISINA ROAD,
NEW DELHI – 110 001.
2. PRINCIPAL CHIEF PERSONNEL OFFICER,
SOUTH CENTRAL RAILWAY, RAIL NILAYAM
SECUNDERABAD, TELANGANA – 500 025.
3. PRINCIPAL CHIEF PERSONNEL OFFICER,
SOUTH WESTERN RAILWAY, RAIL SOUDHA,
GADAG ROAD, HUBBALLI – 580 020.
4. SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTH CENTRAL RAILWAY, DIVISIONAL OFFICE,
GUNTAKAL, ANANDAPUR DIST,
ANDHRAPRADESH – 515 801.
5. SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTH WESTERN RAILWAY,
DIVISIONAL OFFICE, HUBBALLI,
KARNATAKA – 580 020.

... RESPONDENTS

(BY SRI. M.B.KANAVI, ADV. FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, 1950, PRAYING TO ISSUE
A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT



ORDER OR DIRECTION, AND SET ASIDE THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE IN O.A.NO.170/00318/2023 DATED 17.07.2023 (ANNEXURE-B); TO DECLARE THAT THE MEMORANDUM OF TERMINATION BEARING NO.G/P.563/ RRB/SBC/ CLERKS/99 DATED 30.05.2002 ISSUED BY FOURTH RESPONDENT (ANNEXURE-A7) AND MEMORANDUM OF TERMINATION BEARING H/P.563/I/1/VOL.4 DATED 27/28.01.2003 ISSUED BY FIFTH RESPONDENT (ANNEXURE-A8) AS ARBITRARY, ILLEGAL, UNWARRANTED, MISCONCEIVED AND NON-EST AND IN VIOLATION OF ARTICLES 14 AND 16 AND 21 OF THE CONSTITUTION OF INDIA; TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION, AND QUASH THE MEMORANDUM OF TERMINATION BEARING NO.G/P.563/ RRB/SBC/ CLERKS/99 DATED 30.05.2002 ISSUED BY FOURTH RESPONDENT (ANNEXURE-A7) AND MEMORANDUM OF TERMINATION BEARING H/P.563/I/1/VOL.4 DATED 27/28.01.2003 ISSUED BY FIFTH RESPONDENT (ANNEXURE-A8) TERMINATING THE SERVICES OF THE PETITIONERS WITHOUT EXAMINING THE ASPECTS REQUIRED AS PER THE OBSERVATIONS OF THE HON'BLE SUPREME COURT IN CASE OF UOI AND OTHERS VS. O. CHAKRADHAR AND WHEN THE ALLEGATIONS AGAINST THE VERY MEMBERS AND STAFF OF THE RAILWAY RECRUITMENT BOARD WERE DROPPED BY CLOSING THE CRIMINAL CASES AGAINST THEM WHICH RESULTS IN EXONERATING THE PETITIONERS FROM ALL THE CHARGES LEVELED AGAINST THEM; TO DIRECT THE RESPONDENTS TO REINSTATE THE APPLICANTS INTO SERVICE WITH IMMEDIATE EFFECT WITH ALL CONSEQUENTIAL BENEFITS; AND TO ISSUE SUCH OTHER, DIRECTION AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. The petitioners herein were recruited to various posts by the respondent - Indian Railways. On the ground of gross illegalities committed by several persons involved in the recruitment process, the entire selection list itself got cancelled. Some of the employees challenged the same and it reached the Hon'ble Apex Court in Appeal (Civil) No.1326 of 2002 (***Union of India & Ors Vs. O. Chakradhar***), wherein the Apex Court upheld the decision of the Railway Board to cancel the selection list on the ground that huge irregularities had taken place in the process of selection. In the light of the said judgment, admittedly the petitioners are not entitled to any relief. Based on the same, Central Administrative Tribunal, in Original Application No.170/00318/2023, dismissed the application filed by the petitioners.

2. In the meanwhile, the petitioners also approached the Hon'ble Apex Court in Writ Petition (C) No.913 of 2022, wherein the Apex Court passed the following order:



"Having heard learned senior counsel appearing for the petitioners, we do not propose to entertain this petition under Article 32 of the Constitution of India.

However, notwithstanding the earlier judgment dated 19.02.2002 passed by this Court in C.A. No.1326 of 2002, if the petitioners make out a case on merits before an appropriate forum due to subsequent developments, the appropriate forum may entertain and consider the same on its own merits, in accordance with law.

With the above liberty to the petitioners to approach the appropriate forum, the Writ Petition is disposed of.

Pending application(s) shall stand disposed of."

3. On the strength of the order passed by the Apex Court in Writ Petition (C) No.913 of 2022, the petitioners have challenged the impugned order passed by the Central Administrative Tribunal.

4. The case of the petitioners is that there were allegations of malfeasance and misfeasance on the part of the recruiting officers of the Indian Railways, which led to a CBI inquiry and, consequently, the entire selection list being scrapped. It is submitted that, in the **O. Chakradhar** case (supra), the Hon'ble Apex Court did not entertain the claims of persons similarly situated to the petitioners herein, even though no allegations of misconduct were made against them and no inquiry was conducted against them individually. It is further



submitted that, pursuant to the said allegations of malfeasance and misfeasance in the recruitment process, the proceedings were initiated against certain accused persons, who were employees of the Indian Railways and involved in the recruitment process; however, all of them have been acquitted. According to the petitioners, this acquittal constitutes a subsequent development which in view of the directions of the Hon'ble Apex Court in Writ Petition (C) No.913 of 2022, warrants reinstatement of the petitioners herein. It is submitted that the petitioners are innocent and were recruited by the Indian Railways on merit, without there being any irregularity in their recruitment. It is submitted that if there is any irregularity, it is in respect of other employees, who are recruited along with the petitioners. It is submitted that, in the light of all the Officers alleged to have been involved in the scam being acquitted, the recruitment of the present petitioners is required to be upheld and the Central Administrative Tribunal in the impugned order had failed to take note of the same and has erroneously dismissed the Application.

5. Per contra, learned counsel for the respondents submits that all the aforementioned factors were taken note of



by the Hon'ble Apex Court in **O. Chakradhar** case (supra). It is submitted that there is no new event that has taken place after the said decision. In the absence of any new development, the observation of the Hon'ble Apex Court in Writ Petition (C) No.913 of 2022 does not come to the rescue of the petitioners. For the said reason, it is prayed that there is no error committed by the Central Administrative Tribunal and that the writ petition deserves to be dismissed.

6. Hence the question that arises for consideration in the instant case is whether there have been any new developments subsequent to **O. Chakradhar** case (supra), of which the petitioners herein can claim the benefit?

7. Admittedly, the Apex Court in **O. Chakradhar** case (supra) examined the irregularity committed by the Railway Board and has come to the following conclusion:

"It first indicates that Railway Recruitment Board, Bangalore has not laid down any set procedure for holding of selection. The Chairman engages a printer for printing of the question paper and computer firms are given the job of scrutinizing the applications. The examination is conducted at different centres and answer sheets are sealed and put in boxes in custody of the Chairman in his room. The answer-sheets are given to the computer firm for evaluation. The Board carries on a manual random check of the answer-sheets, and depending upon the result, further call letters are prepared by the computer



firm. Since it was a recruitment for the post of Junior Clerk-cum-Typist, a candidate was required to have a typing speed of 30 words per minute in English or 25 words per minute in Hindi. As per relevant Circular the typing test is to be conducted after the written test and those who qualify in the typing test also, they alone are to be called for final interview. In the present case, however, according to the report the candidates during the course of their personal interview were required to give typing test before the members of the Interview Board within the time limit set for the purpose. No separate marks were awarded for typing nor the typing sheets have been preserved by the Board. No candidate was qualified or disqualified on the basis of the typing test. About 100 answer-sheets did not bear the signatures of Supervisor/Assistant Supervisor in the column provided for the purpose. It however, bore the signatures of the invigilator but none from the said candidates is reported to be selected. According to the report, on scrutiny of answer-sheets of 109 selected candidates, a clear difference of hand-writing was noticed in many answer-sheets. Out of these answer-sheets 14 were particularly taken out for the purpose of investigation. According to the report, answer-sheet packets were stealthily opened and the answers were filled up in the blank space left by the examinees. This happened during the period the bags of the answer-sheets were in the custody of the Chairman. So far as the interview is concerned, it is reported that the two Boards constituted for the interview did not have technical personnel as its member as per requirement. Each member was required to award marks to the candidate in the individual assessment sheets provided to them and ; average was to be worked out but no average was worked out. The column for interview marks was later on filled up as per wishes of the Chairman and Member-Secretary of the Board and signatures of the non official members were obtained on the summary sheet later on.

It is mentioned in the report that huge amount of money was taken for selecting the candidates but none is coming forward to indicate as to who and how much one paid for it for fear of being in trouble. It is further reported that non official Chairman of the Board made payment of printing of the examination paper etc. not to



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any firm but to one Gaja Raja Yadav. It may also be mentioned that according to the report a large number of applications were missing and postal orders of the missing applications were encashed and misappropriated and even before the closing date of receiving the applications, it started sending applications to the computer firm for their scrutiny. The C.B.I. has named five persons as accused in the report namely the Chairman of the Railway Recruitment Board, Bangalore, who is a non-official, the Member-Secretary of the Board, an officer of the Railways, one Shri Hanumanth Bhaiya, a Senior Clerk of the Railway Recruitment Board and Gaja Raja Yadav, the private person to whom payment had been made for printing of the question paper etc. As per the report of the CBI whole selection smacks of mala fide and arbitrariness. All norms are said to have been violated with impunity at each stage viz. right from the stage of entertaining applications, with answer-sheets while in the custody of Chairman, in holding typing test, in interview and in the end while preparing final result. In such circumstances it may not be possible to pick out or choose any few persons in respect of whom alone the selection could be cancelled and their services in pursuance thereof could be terminated. The illegality and irregularity are so inter-mixed with the whole process of the selection that it becomes impossible to sort out right from the wrong or vice versa. The result of such a selection cannot be relied or acted upon. It is not a case where a question of misconduct on the part of a candidate is to be gone into but a case where those who conducted the selection have rendered it wholly unacceptable. Guilt of those who have been selected is not the question under consideration but the question is could such selection be acted upon in the matter of public employment? We are therefore of the view that it is not one of those cases where it may have been possible to issue any individual notice of misconduct to each selectee and seek his explanation in regard to the large scale widespread and all pervasive illegalities and irregularities committed by those who conducted the selection which may of course possibly be for the benefit of those who have been selected but there may be a few who may have deserved selection otherwise but it is difficult to separate the cases of some of the candidates from the rest even if there may be some. The decision in the case of Krishna Yadav (supra) applies to the facts of



the present case. The Railway Board's decision to cancel the selection cannot be faulted with. The appeal therefore deserve to be allowed.

In the result, the appeal is allowed and the orders passed by the Tribunal and the High Court are set aside and the order of termination of the services of the respondent is upheld. The copy of the CBI report has been placed on record. The administration shall do well in taking action pursuing the matter in the light of the report of the CBI, so as to bring it to a logical conclusion."

8. In short, the Hon'ble Apex Court found that large-scale irregularities had been committed in the recruitment process of the Railways and, therefore, set aside the entire recruitment process, without there being any requirement to conduct an inquiry in respect of individual candidates selected through such process. Further, the acquittal of certain employees of the Indian Railways, against whom criminal prosecutions were initiated, does not come to the rescue of the petitioners, as such acquittal had taken place prior to the decision of the Hon'ble Apex Court in **O. Chakradhar** case (supra) and were on account of lack of evidence. Such acquittal does not establish that the recruitment of the petitioners or other similarly situated persons was carried out in accordance with law. The petitioners have failed to point out any new fact which would confer upon them a right to continue in the posts to which they were recruited or to



claim the benefit of the observations made by the Hon'ble Apex Court in Writ Petition (C) No.913 of 2022.

9. Under the circumstances, as no new fact or subsequent development has arisen conferring any right upon the petitioners, the writ petition is hereby dismissed.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**