



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL
WRIT PETITION NO. 900 OF 2021 (GM-CC)

BETWEEN:

1. SRI. ANJINAPPA
S/O. MUNISHYAMAPPA,
AGED ABOUT 80 YEARS,
2. SRI. MANJUNATHA. A
S/O. ANJINAPPA,
AGED ABOUT 38 YEARS,

BOTH THE PETITIONERS ARE
RESIDING AT KODIGENABELE VILLAGE,
KASABA HOBLI, MALURU TALUK,
KOLARA DISTRICT-563 130.

...PETITIONERS

(BY SRI. KASHINATH J D.,ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
KOLARA SUB-DIVISION,
KOLARA,
KOLARA DISTRICT-563 101.
2. THE TAHSILDAR
MALURU TALUK, MALURU,
KOLARA DISTRICT-563 139.
3. SRI. M. BALAKRISHNA
S/O. T. MUNISHAMAPPA,



AGED ABOUT MAJOR,
RESIDING AT NEAR NANJAPPA HOSTEL,
MALUR TOWN,
KOLAR DISTRICT-563 130.

4. THE DISTRICT CASTE AND INCOME
VERIFICATION COMMITTEE
KOLARA DISTRICT,
KOLARA-563 101,
REPRESENTED BY ITS CHAIRMAN,
AND DEPUTY COMMISSIONER.

...RESPONDENTS

(BY SRI. SRINIVAS KUMAR M., HCGP FOR R1, R2 & R4;
SRI. S. KALYAN BASAVARAJ .,ADVOCATE R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE IMPUGNED ORDER DATED 04.09.2020 PASSED BY
THE R-1 VIDE ANNEX-A AS ILLEGAL; ISSUE WRIT OR ORDER IN
THE NATURE OF MANDAMUS TO R-4 COMMITTEE TO COMPLETE
THE PROCEEDINGS OF VERIFICATION PURSUANT TO
APPLICATION OF THE 2ND PETITION DATED 27.05.2009 AND
ALSO ON THE DIRECTION OF THIS HONBLE COURT PASSED IN
WP NO.32611-12/2019 DATED 20.08.2019.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioners who are issued with caste certificates dated
11.07.2005 and 07.10.2006 considering them as the
persons belonging to Backward Class Community under



Category-I, are before this Court being aggrieved by the Order dated 04.09.2020 passed by the respondent No.1 - Assistant Commissioner as per Annexure-A cancelling the said Caste Certificate.

2. Counsel for the petitioners submits that originally respondent No.2-Tahsildar having issued the caste certificates, had upon a complaint filed by the private respondent No.3 had assumed jurisdiction eventually cancel the caste certificates by order dated 17.05.2014. Being aggrieved by the same, the petitioners had approached this Court by filing a writ petition in W.P.No.32611-12/2019. This Court vide order dated 20.08.2019 had disposed of the said writ petition directing the petitioners to appear before the respondent No.4-District Caste and Income Verification Committee.
3. In the meanwhile, petitioners had also preferred an appeal before the respondent No.1-Assistant Commissioner against the order dated 17.05.2014 passed by the respondent No.2-Tahsildar. The respondent No.1-Assistant Commissioner though has taken note of the fact that he



would exercise jurisdiction only under Section 4-B of the Karnataka Schedule Castes and Schedule Tribes & Other Backward Class (Reservation and Appointment Etc,) Act, 1990, (Act, 1990 for short) upon the appeal filed by the persons aggrieved, yet proceeded to cancel the caste certificates in the appeal filed by the petitioners. Thus, he submits that there is a complete substantive procedural irregularity committed both by the respondent No.2-Tahsildar as well as the respondent No.1-Assistant Commissioner and the orders therefore are unsustainable.

4. Counsel for the respondents-Authorities on the other hand submits, though there appears to be procedural irregularity warranting reconsideration of the matter, the petitioners cannot and shall not be allowed to take advantage of the caste certificates which have been held to be unsustainable by the respondent No.1-Assistant Commissioner.

5. Heard. Perused the records.



6. That respondent No.2-Tahsildar is empowered to issue a income and caste certificate under Section 4-A of the Act, 1990. Section 4-B of the Act, 1990 provides for an appeal to be filed by any person aggrieved by the order passed under Section 4A said order. Though, no such appeal was filed before the respondent No.2-Tahsildar, yet he had proceeded to cancel the caste certificates which however on a challenge in a writ petition resulted in petitioners being relegated to the District Caste Verification Committee.
7. In the meanwhile, petitioners had initiated the proceedings before the respondent No.1-Assistant Commissioner who though having taken note of the provision under Section 4-B of the Act, 1990, in an appeal filed by the petitioners themselves proceeded to cancel the caste certificates. Thus, as rightly pointed by learned counsel for the petitioners, this amounts to substantive procedural irregularity warranting interference at the hands of this Court.



8. The only other provision provided for is, a revision by the Deputy Commissioner under Section 4F of the Act, 1990, who either *suo motu* or on an application made to him, may call for and examine the records relating to any decision made or order passed by the Tahsildar under Section 4-A or Assistant Commissioner under Section 4-B of the Act, 1990, for the purpose of satisfying himself as to the legality or otherwise of the orders, and modify annul, remit, revise the order so passed.
9. In the light of the above irregularity and the provision provided therein, petition is ***allowed***.
10. Order dated 04.09.2020 passed by the respondent No.1- Assistant Commissioner vide Annexure-A is quashed.
11. Respondent No.4-Deputy Commissioner is at liberty to initiate proceedings as contemplated under Section 4F of the Act, 1990.

SD/-
(M.G.S. KAMAL)
JUDGE