

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 01 DAY OF SEPTEMBER, 2026**

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

WRIT PETITION NO.3454 OF 2023

BETWEEN:

DR. SOMASHEKARA K
S/O KEMPEGOWDA B
AGED ABOUT 45 YEARS,
RESIDING AT NO.586, BHAIKAVANILAYA,
NEAR LAND ARMY CORPORATION OFFICE,
VIDYANAGARA, HASSAN-573202.

...PETITIONER

(BY SRI. V. S. HEGDE, ADV. FOR
SRI. VENKATESH PRASAD R., ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS ADDL. CHIEF SECRETARY,
HEALTH AND FAMILY WELFARE
SERVICES DEPARTMENT,
VIKASA SOUDHA, BENGALURU.
2. THE COMMISSIONER
DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDARAO CIRCLE,
BENGALURU-560009.
3. THE CHIEF ADMINISTRATIVE OFFICER AND
MEMBER SECRETARY

SPECIAL RECRUITMENT COMMITTEE,
DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BENGALURU-560009.

4. DR. NADISHKUMAR .C
AGED MAJOR,
SL.NO.362 (A.NO.MO200186)
(CATEGORY-GM/G-68.78),
C/O DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES,
ANANDA RAO CIRCLE,
BENGALURU-560009.

RESIDING AT NO.35, SHIRAKRUPA,
KRISHNAGIRI POLICE LAYOUT,
KODIPALYAJUNDARA POST,
KENGRI, BENGALURU-560060.

5. DR C. HANUMANTHARAYA
AGE: MAJOR,
SL.NO.630 (A.NO.MO201413),
C/O DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES,
(CATEGORY-3A/G-61.76),
ANANDA RAO CIRCLE,
BENGALURU-560009.

RESIDING AT SHANTHALA NILAYA,
HARIHABHAPALYA,
HIRIYURU TALUK,
CHITRADURGA-577546.

...RESPONDENTS

(BY SMT. MALA B. BHUTE, AGA FOR R-1 TO R3,
V/O DATED: 14.02.2023 - NOTICE TO R-4 & R-5 IS
DISPENSED WITH.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE JUDGMENT RENDERED IN APPLICATION NO-1860/2021 AT ANNEXURE-A AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 14.08.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE G BASAVARAJA

CAV ORDER

(PER: HON'BLE MR. JUSTICE G BASAVARAJA)

This petition is filed by the petitioner challenging the Order dated 18.01.2023 passed in Application No.1860 of 2021 by the Karnataka State Administrative Tribunal, whereby the application filed by the petitioner came to be rejected.

2. Petitioner is seeking following reliefs:

- i. Call for the records from the Karnataka State Administrative Tribunal at Bengaluru in Application No.1860 of 2021;

- ii. Issue writ or direction in the nature of certiorari quashing the judgment rendered in Application No.1860 of 2021;
- iii. Issue a writ of mandamus directing the Respondents 2 and 3 to consider the case of the petitioner for appointment as General Duty Medical Officer in pursuance to the Notification dated 10.09.2020 in Application No.1860 of 2021 either under General Merit category or under 3A Category;

3. Facts leading to the petition are that, after completion of MBBS in the year 1999, the petitioner enrolled his name in the Karnataka Medical Council on 25.09.2000. The respondent No.3 issued notification dated 10.09.2020 for recruitment to the post of Senior Medical Officer/General Duty Medical Officer and Dental Medical Officer for backlog posts. For the post of General Duty Medical Officers, the qualification prescribed is, one should possess MBBS degree from a university established by Law in India and the General Duty Medical Officer

recruited, shall work in rural areas for a minimum period of six years. The age prescribed for the post was 42 years for General Merit candidates, 45 years for 2A, 2B, 3A and 3B category candidates, and 47 years for Scheduled Caste and Scheduled Tribe candidates. Further, for the candidates who have served in the Department under the program of Health Department, either on permanent basis or contract basis, weightage of 2.5% would be awarded for every completion of six months, maximum up to 30%. Further, for every completion of one year of service on contract basis, one year age relaxation is provided with maximum age limit of 10 years.

4. The petitioner submitted his application dated 10.09.2022, claiming reservation under 3A category and also claiming weightage and age relaxation, mentioning that he served on contract basis for a period of 4 years 10 months. Pursuant to the application, Petitioner was called for verification of original documents on 17.12.2022. Petitioner appeared and submitted his documents. He had secured 56.38% in qualifying exam. The respondent No.3

issued notification dated 03.04.2021, publishing the provisional select list of the General Duty Medical Officers, in which the name of the petitioner did not find place. Along with the said provisional select list, the respondent No.3 also published the cut-off percentage and the date of birth of candidates. Since the name of the petitioner was not found in the provisional select list dated 03.04.2021, he submitted a representation dated 08.04.2021 by way of objections wherein it was stated that he had applied for the post of General Duty Medical Officer under 3A category. It was also stated that as per the order of the Deputy Commissioner, Hassan dated 04.02.2017, he had worked against the post of Specialist and also submitted the certificate issued by the controlling officers of Health and Family Welfare Services for having served in the said post. As per the eligibility verification, the petitioner had secured 56.38% and if 15.42% is added as weightage for having served for 4 years 10 month as a Specialist, his percentage would be more than 71.80. It is stated that the persons with less percentage have been

selected for the post under General Merit and 3A category. It was also requested for giving weightage for having served for 4 years 10 months. It is further stated that since he belong to 3A Category, no separate caste certificate will be issued for educational and employment purpose and therefore, the caste certificate issued by the concerned authority is valid. It was further stated that the petitioner has secured higher percentage than the candidates in the residuary cadre who were selected. Petitioner has also produced official memorandum dated 04.02.2017 by which he came to be appointed on contract basis and served in General Hospital, Alur. It was further stated that he worked on contract basis for a period of 1 year 9 months as per certificate dated 13.10.2020. The petitioner further stated that he also served on contract basis as Junior Resident (temporary) in the Department of Orthopaedics, Hassan Institute of Medical Sciences, Haasan from 25.08.2014 to 11.06.2015 as per certificate dated 6.10.2020. Petitioner has also served on contract basis from 22.03.2005 to 22.09.2005 as Duty Medical

Officer at Jayadeva Institute of Cardiology. That being the fact, the respondent No.3, without considering any of the objections and documents produced by the petitioner, has published Final Selection List dated 12.05.2021, pertaining to General Duty Medical Officers, excluding the name of the petitioner. Being aggrieved by the same, the petitioner preferred Application challenging the Final Selection List dated 12.05.2021, before the Karnataka State Administrative Tribunal. The Tribunal, by order dated 18.01.2023, rejected the Application of the petitioner observing that the Caste certificate at Annexure-A11, is issued by the Revenue Department and not in the Form-F mentioned in the recruitment notification. It is further observed that once a format is prescribed in the recruitment Notification by the recruiting authority, the candidates are required to produce the documents in the format so prescribed and since the caste certificate produced by the petitioner is not commensurate to the format Form-F prescribed by respondents in the recruitment Notification, the respondents were right in

considering the candidature of the petitioner under General Merit category. The Tribunal further observed that since the candidate of petitioner was considered under General Merit category and if the weightage is added, even then the candidate would be over-aged and hence the respondents were right in holding that the petitioner is over-aged and not entitled for selection to the post and hence rejected the Application of the petitioner. Challenging the said rejection order passed by the Karnataka State Administrative Tribunal, petitioner is before this court in this petition.

Submissions on behalf of the Petitioner:

5. The learned counsel appearing for the petitioner would submit that in the Final Select List dated 12.05.2021, the name of the petitioner does not find place whereas the names of 4th and 5th respondents appear at Sl.No.362 and Sl.No.630 under General Merit category and under 3A category, who have secured 68.75% and 61.76% respectively. Learned Counsel would submit that the Tribunal has failed to consider that the petitioner had

applied for the post of General Duty Medical Officer under 3A category and claiming weightage for having served on contract basis for a period of 4 year 10 months. The petitioner appeared for original document verification and obtained total 56.38% and if the weightage for having served for 4 years 10 months is added, the total percentage of the petitioner would be more than the 4th and 5th respondents, and without application of mind, the Tribunal has rejected the Application of the petitioner, which is not sustainable in law.

6. The learned Counsel would submit that the petitioner has also submitted his representation dated 08.04.2021 by way of objection, stating that he had applied for the post of General Duty Medical Officer under 3A Category and the said objection has not been considered by the respondent No.3. Learned counsel would submit that the candidates who have secured percentage less than the petitioner, have been selected for the post in question under 3A category. The learned Counsel would submit that the petitioner had secured

56.38% in degree and as per recruitment Notification, adding weightage of 58 months i.e. 4 years 10 months towards service rendered on contract basis which comes to 20%, then the total percentage of the petitioner comes to 76.38%, which is above the percentage of 4th and 5th respondents who are selected.

7. Further, it is submitted that though the petitioner has submitted the valid caste certificate, the Tribunal has held that the petitioner has not submitted the caste certificate issued by the competent authority as prescribed in the recruitment Notification. To fortify this submission, the learned Counsel has relied on the decision of Hon'ble Supreme Court in the case of RAM KUMAR GIROYA v. DELHI SUBORDINATE SERVICE SELECTION BOARD AND ANOTHER reported in (2016)4 SCC 754 wherein it is held that rendering the candidate ineligible over otherwise selected candidates only on the ground of non-submission of caste certificate within the cut-off date mentioned, would amount to denial of equality of

opportunity as contemplated under Articles, 14, 15, 16 and 89A of the Constitution of India.

8. The learned Counsel has also placed reliance on the following decisions:

- i. ASKHATA CHOUGALA & OTHERS v. STATE OF KARNATAKA AND OTHERS (Writ Petition No.23752 of 2022 decided on 30.01.2023;
- ii. UNION OF INDIA AND ANOTHER v. PROBIR GHOSH AND OTHERS (Civil appeal No. 4585 of 2018 DECIDED ON 17.02.2022;
- iii. HEMANTHKUMAR N. v. STATE OF KARNATAKA (Writ Petition No.24847 of 2022 DECIDED ON 31.01.2023);
- iv. VIVEK KUMAR v. STATE OF UTTAR PRADESH (Writ Appeal No. 24148 of 2018 DATED 21.08.2019).

Submissions on behalf of Respondent-State:

9. Per contra, learned counsel appearing for respondent-State has filed statement of objections and would submit that the writ petition is not maintainable

either in law or on facts and is liable to be dismissed in limine.

10. Further the Learned counsel for the respondent would contend that, as on the date of submission of the application, the petitioner had already crossed the prescribed upper age limit and, therefore, he cannot claim age relaxation on the basis of service which, according to the respondents, is not eligible to be counted under the applicable recruitment rules.

11. Learned counsel for the respondents would further submit that the petitioner had rendered service as a Junior Resident in the Department of Orthopaedics, Hassan Institute of Medical Sciences, Hassan, from 25.08.2014 to 11.06.2015 and as a Duty Medical Officer at the Jayadeva Institute of Cardiology from 22.03.2005 to 29.09.2005. It is contended that the said periods of service cannot be taken into consideration for the purpose of awarding service weightage/experience, as the service rendered in autonomous institutions is not liable to be

counted as experience under the Special Recruitment Rules issued by the Government.

12. With regard to the petitioner's claim under Category 3A, learned counsel for the respondents would submit that the petitioner had not produced the caste certificate in the prescribed format required for claiming appointment under the Government of India format. It is contended that, instead, the petitioner had produced a certificate in Form-F, which did not satisfy the prescribed requirements for claiming the benefit of reservation. It is therefore submitted that the petitioner's candidature was considered under the General Merit category and, upon such consideration, he was found to be over-aged and consequently ineligible for selection

13. Learned counsel would further submit that the petitioner cannot seek relaxation of the prescribed eligibility conditions contrary to the terms of the recruitment notification. Reliance is placed upon the judgment of the Hon'ble Supreme Court in *BEDANGA TALUKDAR V. SAIFUDAULLAH KHAN AND OTHERS* reported

in (2011)12 SCC 85, to contend that the conditions contained in the recruitment notification have to be strictly adhered to and that the recruiting authority or the Court cannot grant relaxation contrary to the applicable rules or notification.

14. Learned counsel would submit that the Karnataka State Administrative Tribunal, after considering the rival contentions and the material available on record, has rightly rejected the application filed by the petitioner. It is contended that the impugned order dated 18.01.2023 does not suffer from any illegality, perversity or jurisdictional error warranting interference by this Hon'ble Court in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. Accordingly, learned counsel for the respondents would submit that the petitioner has failed to establish any legal or enforceable right to claim inclusion in the final select list or the benefit of service weightage, reservation or age relaxation. Hence, it is submitted that the writ petition is devoid of merit and is liable to be dismissed.

15. Learned counsel for the State would submit that the petitioner is not entitled to claim the benefit of age relaxation or service weightage in the manner contended by him. It is submitted that the notification dated 10.09.2020 was issued for recruitment to the posts of Senior Medical Officers/Specialists/General Duty Medical Officers and Dental Health Officers, including backlog vacancies, and the petitioner did not satisfy the prescribed age requirement as on the relevant date. Hence, it is submitted that the writ petition is devoid of merit and is liable to be dismissed.

16. We have given our anxious consideration to the submissions advanced by the learned Counsel appearing for the parties and perused the records. It is not in dispute that pursuant to Notification dated 10.09.2020, petitioner has applied for the post of General Duty Medical Doctor, claiming reservation under 3A category and also weightage of 4 years 10 months for having served on contract basis. It is also not in dispute that the maximum

age prescribed for the General Merit candidate is 42 years, for 2A, 2B, 3A and 3B candidates, it is 45 years and for Scheduled Caste and Scheduled Tribe candidates, it is 47 years. Further, for the candidates who have served in the Department under the program of the Health Department either permanent or on contract basis, weightage of 2.5% would be awarded for every completion of six months, maximum up to 30%. The petitioner has submitted his application claiming weightage as he had served in the Department on contract basis for a period of 4 years 10 months, as per Annexure-A4. In Annexure-A4, the length of service rendered by the petitioner, is shown as 58 months, which comes to 4 years 10 months. The respondents have not disputed that the petitioner belongs to Category 3A. The contention of respondents is that the petitioner is not eligible for age relaxation, as he is over-aged. As per Notification, the minimum and maximum age prescribed for the candidates belonging to General Merit Category is 26 years and 42 years, for the candidates coming under 2A, 2B, 3A and 3B, it is 26 and 45 years;

and for the candidates belonging to Scheduled Caste and Scheduled Tribes candidates, it is 26 years and 47 years. As regards the age of the petitioner is concerned, it submitted by the learned counsel for the respondent that, as on the date of submitting application, the petitioner was aged more than 45 years, so also, he has not furnished valid caste certificate, for considering his candidature under category 3A category. In the absence of production of valid caste certificate, the appellant's case is considered under General Merit category to which the maximum age limit is 42 years and since the petitioner was aged about 45 years and 26 days, and having considered his candidature under General Merit category, even considering adding of 4 years and 10 months weightage, then also the petitioner would be over-aged.

17. What is to be considered is whether the petitioner was over-aged for considering his candidature under 3A Category, as per the recruitment Notification? The date of birth of the petitioner is 20.09.1975. Hence, as on the date of Notification i.e. 10.09.2020, the age of

the petitioner was 44 years 11 months and 20 days. Annexure A12 issued by the Controlling Officer, Department of District Health and Family Welfare Services, reveals that the petitioner has served from 22.03.2005 to 22.09.2025 in Jayadeva Institute of Cardiology, Bengaluru; from 01.10.2005 to 01.04.2006 in National Institute of Mental Health and Neurosciences, Bengaluru; and from 25.08.2014 to 11.06.2015 in Hassan Institute of Medical Sciences, Hassan, totally for a period of 1 year 9 months. Annexure A13, Certificate issued by the Director of Hassan Institute of Medical Sciences, Hassan states that the petitioner worked as Junior Resident on contract basis from 25.08.2014 to 11.06.2015. Annexure A14 issued by the Chief Administrative Officer, Jayadeva Institute of Cardiology reveals that the petitioner has worked as Deputy Medical Officer from 22.03.2005 to 22.09.2005. Annexure-A4 shows that the petitioner has worked totally for a period of 58 months, i.e. for 4 years and 10 months. As per Rule 6(2) of Karnataka Director of Health and Family Welfare Services (Recruitment of Senior Medical

Officer/Specialist, General Duty Medical Officers and Dental Health Officers) (Special) Rules, 2020, as amended to Rule 6 of the Rules, the weightage of 2.5% for each completion of six months service, subject to maximum of 30%, shall be given to the candidate. It is not in dispute that the petitioner belong to 3A Category and the age limit prescribed in the recruitment Notification for the candidates under 3A category is 45 years and the petitioner was aged 44 years. Then the case of the petitioner falls well within the age limit prescribed for the candidates under 3A category, in the recruitment Notification and the petitioner would be eligible for consideration of his candidature under 3A Category.

18. As regards the caste certificate is concerned, the caste certificate Annexure-A10, is issued by the Tahsildar, Hassan Taluk, Hassan District. The contention of the respondent is that the petitioner has not submitted the Caste Certificate in the prescribed format i.e. in Form-F for considering him under 3A category. At this juncture, it is pertinent to refer to the decision of Hon'ble Supreme

Court in the case of RAMJIT SINGH KARDAM v. SANJEEV KUMAR reported in (2020)19 SCC 535, wherein it is observed the recruitment authorities must act fairly and cannot adopt an interpretation which defeats the legitimate object of the recruitment process. It was emphasised that selection should not be interfered with inconsequential technicalities, when the candidates, otherwise satisfies a substantive requirement. In the case on hand, as on the date of submitting the application to the post of General Duty Medical Officer, the petitioner was aged 44 years, 11 months and 20 days. The concerned authority, i.e. the Tahsildar, Hassan Taluk, Hassan District, who is empowered to issue Caste Certificate, has issued the certificate stating that the petitioner comes under 3A category and the same is not disputed. Merely the caste certificate produced by the petitioner is not in consonance with the format prescribed by the recruitment authority, the same cannot be a ground to reject the candidature of the petitioner. The age limit prescribed in the Notification for the candidate under 3A category, is 45 years. The

petitioner will definitely fall under the said criteria and also would be eligible for adding weightage of service for having served in the Department under the program of the Health and Family Welfare Services, either on permanent basis or contract basis, for a period of 4 years and 10 months. Hence, the decision relied upon by the learned counsel for the respondent, would not enure to his benefit. In that view of the matter, the impugned order calls for interference.

19. In the light of the discussions made above, we proceed to pass the following:

ORDER

1. Writ Petition is allowed;
2. Order dated 18.01.2023 passed in Application No.1860 of 2021 by the Karnataka State Administrative Tribunal, is quashed;
3. Respondents 2 and 3 are directed to consider the case of the petitioner for

appointment as General Duty Medical Officer pursuant to Notification dated 10.09.2020, under 3A Category within six weeks from this day.

4. Pending IAs if any, stand disposed of.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**