



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO. 3657 OF 2023 (S-RES)**

**BETWEEN:**

SMT. TANUJA NAVALIHIREMATH  
D/O VISHWANATHASWAMI  
W/O T M ONKARNATH  
AGED ABOUT 45 YEARS  
C/O MAHESHKUMAR V NAVALIHIREMATH  
NO 196/A, 40 FEET ROAD, 8TH CROSS  
2ND MAIN, 2ND PHASE, MANJUNATHNAGAR  
RAJAJINAGAR, BANGALORE 560010.

...PETITIONER

(BY SRI. JAGADISH SHASTRI., ADVOCATE)

**AND:**

1. THE PRINCIPAL SECRETARY  
SOCIAL WELFARE DEPARTMENT  
STATE OF KARNATAKA  
VIKAS SOUDHA, BANGALORE 1.
2. THE SECRETARY  
KARNATAKA PUBLIC SERVICE COMMISSION  
PARK HOUSE ROAD, BANGALORE 1.
3. KARNATAKA RESIDENTIAL EDUCATIONAL  
INSTITUTIONS SOCIETY  
(ITS UNDER TAKING GOVT)  
REPTD. BY ITS EXECUTIVE DIRECTOR  
KARNATAKA STATE CO OPERATIVE  
BOARD BUILDING  
6TH AND 7TH FLOOR  
NEAR CHANDRIKA HOTEL  
CUNNINGHAM ROAD  
BANGALORE 560052.

Digitally signed by  
DHANALAKSHMI  
MURTHY  
Location: HIGH  
COURT OF  
KARNATAKA



4. SMT BASAMMA ADIGOND  
BASAMMA CHANNAPPA ADIGOND  
REG NO 9037921  
AGED ABOUT 45 YEARS  
R/O NEAR MAHARAJARMATH  
BASAVAN BAGEWADI TQ BASAVAN BAGEWADI  
VIJAYAPUR-586203.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1:  
SMT. SINCHANA M R., ADVOCATE FOR R2:  
SMT. MAMATHA, ADVOCATE FOR R3  
R4 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS AUTHORITIES, ITS FUNCTIONARIES TO INCLUDE THE NAME OF THE PETITIONER IN THE FINAL SELECTION LIST OF DRAWING TEACHER POSTS(DRAWING DIPLOMA) IN PURSUANCE TO THE NOTIFICATION BEARING NO.PSC 01 RT(4)B-3/2016 DATED 03.11.2016 ISSUED BY THE R2 KPSC VIDE ANNEXURE-D AND TO APPOINT THE PETITIONER TO THE POST OF DRAWING TEACHER (DRAWING DIPLOMA) SUBJECT, UNDER THE III B WOMEN CATEGORY AND GRANT THE PETITIONER ALL THE CONSEQUENTIAL BENEFITS LIKE SENIORITY, ARREARS OF SALARY, INCREMENTS AND ALL OTHER MONETARY BENEFITS AS SHE IS ENTITLED UNDER THE LAW ETC.

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



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

1. In this writ petition, the petitioner has sought for the following reliefs:

*"1) Issue writ in the nature of mandamus, directing the Respondents' authorities, its functionaries to include the name of the petitioner in the Final Selection List of Drawing teacher posts (Drawing Diploma), in pursuance to the Notification bearing No. PSC 01 RT (4) B-3/2016 dated 03/11/2016 issued by the 2nd respondent KPSC. vide Annexure D and to appoint the petitioner to the post of Drawing teacher (Drawing Diploma) subject, Under the III B Women Category and grant the petitioner all the consequential benefits like seniority, arrears of salary, increments and all other Monetary benefits etc. as she is entitled under the law.*

*2) To Set-aside the selection/appointment of the 4th respondent under the Category of III B Women, selected in the Final selection list bearing No. PSC 856 RTB (2)/2019- 20/2879 dated 10/11/2022 issued by the 2nd respondent vide Annexure J, in pursuance to the Notification bearing No. PSC 01 RT (4) B 3/2016 dated 03/11/2016 vide Annexure D issued by the 2nd respondent KPSC, in the interest of justice and equity.*

*3) Issue writ in the nature of mandamus, directing the Respondents' authorities, its functionaries to issue the Additional Selection List of Drawing teacher posts (Drawing Diploma), in pursuance to the Notification bearing No. PSC 01 RT (4) B-3/2016 dated 03/11/2016 issued by the 2nd respondent KPSC vide Annexure - D, in the interest of justice and equity.*



*4) Issue any other writ or direction in the nature of writ which This HON'BLE court may deem fit, in the facts and circumstances of the above said case, in the interest of justice and equity."*

2. The case of the petitioner is that respondent No.3 had issued a Notification dated 03.11.2016 through respondent No.2 vide Annexure-D inviting applications for various posts in respondent No.3, Society. Pursuant thereto, petitioner applied to the post of Art and Drawing Teacher under 3B Category (Women) vide Annexure-E. The respondent No.2, thereafter, issued the provisional selection list dated 25.11.2021 vide Annexure-F. In the said list, the name of the petitioner was not found. Therefore, the petitioner filed detailed objections dated 29.11.2021 vide Annexure-G1 to the provisional selection list stating that the petitioner has secured 63.43% whereas the respondent No.4 has secured 63.14% and both had applied under 3B category (Women). Despite petitioner scoring higher marks, her name has not found place in the provisional selection list. Subsequently, the



final selection list has been issued on 10.11.2022. Even in the final selection list, the petitioner's name is not included. Thereafter, an appointment order has been issued to respondent No.4 to the post of Art and Drawing Teacher under 3B-Category (Women). Aggrieved by the same, the petitioner is before this Court.

3. Learned counsel appearing for the petitioner has submitted that the petitioner has secured higher marks than that of respondent No.4. Petitioner has also produced Caste Certificate dated 24.11.2016 vide Annexure-L. He further submitted that at the time of scrutiny, the Caste Certificate has not been accepted by the Officer, who has verified the documents. The petitioner has also filed an affidavit before this Court to that effect. Even though petitioner is eligible to be considered in 3B-Category (Women), her case is not considered. The learned counsel has placed reliance upon the judgment of the Apex Court in **Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board and Anr.** reported in **(2016) 4 SCC**



**754** and submitted that at any stage, the documents can be produced. He also placed reliance on the judgment of the Apex Court in the case of **Dolly Chhanda v. Chairman, JEE & Ors.** reported in **(2005) 9 SCC 779**. Hence, he sought for allowing the writ petition.

4. Per contra, learned counsel appearing for respondent No.2 has submitted that in the Application Form submitted by the petitioner, even though there is an option to mention the name of the husband, the petitioner has mentioned the name of the father. Even otherwise, at the time of the scrutiny, the petitioner has not produced the Caste Certificate issued by the competent authority. In the Statement of Objections filed by respondent No.2 to the rejoinder filed by the petitioner, an affidavit has been filed producing the checklists signed and acknowledged by the parties at the time of scrutiny of the documents. The Officer, who has verified the documents has mentioned that the Caste Certificate i.e., 3B Certificate has not been produced. The said verification of the documents is also



subsequently verified by a higher authority and to that effect, they have produced Annexure-R5. Thereafter, the appointment order has been issued to respondent No.4 and she is working.

5. Heard the learned counsel for the parties. Perused the writ papers.

6. Pursuant to the Notification dated 03.11.2016 issued by respondent No.2 inviting applications to the post of Art and Drawing Teacher, the petitioner applied to the said post by filing an application as per Annexure-E under 3B-Category (Women). The specific case of the petitioner is that the petitioner has produced the 3B Certificate and that at the time of scrutiny of the documents, the Officer, who was verifying the documents has refused to accept the 3B Certificate and the petitioner has filed an affidavit before this Court to that effect. Pursuant to the affidavit filed by the petitioner, respondent No.2 has filed Statement of Objections and has annexed the checklists



produced by the parties as Annexure Nos.R4 and R5. In the checklist at Annexure-R4, under Item No.3(7) concerned 3B certificate, it is mentioned as 'ಹಾಜರಿ ಪಡಿಸಿಲ್ಲ' and the signature of the petitioner is also taken on the said checklist. The respondent also produced Annexure-R5, which is the document re-verified by the concerned higher officer. Since the petitioner has not produced the 3B certificate at the relevant point of time, the petitioner's case has not been considered.

7. The petitioner has relied upon the Division Bench judgment of this Court in W.A.No.708/2023 disposed of on 08.11.2023. In the said case, the caste certificate uploaded along with the application was illegible. Therefore, the Court has permitted to submit the caste certificate at a later date. Moreover, the said judgment has been called in question in SLP(C) No.26736/2023 and the same is pending for consideration before the Apex Court.



8. The petitioner has also produced the copy of the orders passed by this Court in W.P.No.18336/2023 disposed on 22.08.2025 and W.P.No.6055/2022 disposed on 31.08.2024. These writ petitions were disposed of referring to the judgments of the Apex Court rendered in **Ram Kumar Gijroya** (supra) and **Dolly Chhanda** (supra).

9. In the case of **Dolly Chhanda** (supra), the authority has committed a mistake in not issuing the correct certificate and there was delay in submitting the correct certificate. It was not the mistake of the candidate. Therefore, the Apex Court has held that these are documents in the nature of proof of holding a particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of case, in the matter of submission of proof, it will not be proper to apply rigid principle.



10. In the case of **Ram Kumar Gijroya** (supra), the Apex Court has permitted the candidate to submit the OBC certificate before the provisional selection list is published.

11. However, in the case on hand, the xerox copy of the certificate has been produced after the provisional selection list has been issued. Therefore, the authority has rightly rejected the case of the petitioner.

12. In view of the above discussion, there is no error or illegality in the impugned order passed by the authority. Therefore, the writ petition is devoid of merit.

13. Accordingly, the writ petition is dismissed.

**Sd/-**  
**(H.T. NARENDRA PRASAD)**  
**JUDGE**