



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 6941 OF 2025 (S-RES)

BETWEEN:

DEVENDRAPPA SHAMUKHAPPA KAMMAR
S/O SHANMUKHAPPA KAMMAR
AGED ABOUT 33 YEARS
RESIDING AT 1/42
KOLUR, KOPPAL
KARNATAKA - 583 238

...PETITIONER

(BY SRI. BOLA VEDVYAS SHENOY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001
2. KARNATAKA LEGISLATIVE ASSEMBLY SECRETARIAT
THROUGH ITS SECRETARY
P B NO.5074
VIDHANA SOUDHA
BENGALURU - 560 001
3. C YASHWANTH NAIK
S/O E CHANDRA
MAJOR



4. MANJUNATHAYYA LINGAYYA GURUVIN
S/O LINGAIAH GURUVI
AGED MAJOR
5. SHARIF SAAB
S/O SIKANDRABABA
AGED MAJOR
6. JAFFAR
S/O CHANDPASHA
AGED MAJOR
7. ASHA H G
D/O GURUSIDDAPPA H
AGED MAJOR
8. VIJAYALAKSHMI
D/O BASAPPA
AGED MAJOR
9. MURTHY
S/O AMBAMMA
AGED MAJOR
10. MANJUNATHA
S/O ANJANEYA VATAPARAVI
AGED MAJOR
11. SHIVALEELA
W/O GUNAIAH HIREMATH
AGED MAJOR
12. POOJA
W/O PAVAN KUMAR
AGED MAJOR



13. JOOTHI
D/O ERAPPA NALATWAD
AGED MAJOR

RESPONDENTS NO.3 TO 13 ARE WORKING AS
DALAYAT
C/O KARNATAKA LEGISLATIVE ASSEMBLY
SECRETARIAT
VIDHANA SOUDHA
BENGALURU - 560 001

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG A/W

SMT. MAMATHA SHETTY, AGA FOR R1 AND R2

R3, R4, R5, R6, R7, R8, R9, R10, R13 ARE SERVED

SRI. AKSHAY R. HUDDAR, ADVOCATE FOR R11 AND R12)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE FINAL SELECTION LIST (ANNEXURE-D) FOR THE POST OF DALAYAT RELEASED IN PURSUANCE OF NOTIFICATION BEARING NO. KA VI SA SA/ A 1/54/NE NE BH MA-2/2021 DATED 26-04-2022 (ANNEXURE-A) AND QUASH ALL CONSEQUENTIAL APPOINTMENT ORDERS VIDE OFFICE MEMORANDUM BEARING NO. KA VI SA SA/A 1/80/ NE NE /2022 DATED 01.04.2023 (ANNEXURE-E2) ISSUED TO RESPONDENT NOS. 3 TO 13 TO THE POST OF DALAYAT AND ALL OTHER CONSEQUENTIAL ACTIONS PURSUANT THERETO.

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



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

Petitioner has filed this writ petition seeking the following reliefs:

"a) Issue a writ of certiorari quashing the final selection list (Annexure-D) for the post of Dalayat released in pursuance of Notification bearing no. Ka Vi Sa Sa/ A 1/54/Ne Ne Bh Ma-2/2021 dated 26-04-2022 (Annexure-A) and quash all consequential appointment orders vide Office Memorandum bearing no. KA Vi Sa Sa/A 1/80/ Ne Ne /2022 dated 01.04.2023 (Annexure-E2) issued to Respondent nos. 3 to 13 to the post of Dalayat and all other consequential actions pursuant thereto;

b) Issue a writ of Mandamus directing Respondent no.2 to prepare and publish at the first instance provisional select list by following the procedure prescribed under Section 2 of 2018 Act, inviting objections/suggestions and thereafter to take steps to publish the final select list of Dalayats in accordance with law;

c) Issue a writ of Mandamus directing Respondent no.2 to consider the Petitioner for appointment based on his marks and eligibility to the Post of Dalayat (H-K Region) in 2A Category or GM category in pursuance of Notification bearing no. Ka Vi Sa Sa/ A 1/54/Ne Ne Bh Ma-2/2021 dated 26-04-2022 (Annexure-A);

d) Pass any other orders as deemed fit by this Hon'ble Court;"

2. The brief facts which leads to filing of this writ petition are as follows:



Respondent No.2 released a notification dated 26.04.2022 inviting applications for filling up various posts, including the post of Dalayat, vide annexure-A. Pursuant to the said notification, the petitioner applied for the post of Dalayat along with the documents. After written examination, the provisional selection list was released on 15.02.2023, wherein the petitioner secured 42.5 marks and was placed under 2A Category at Sl.No.62. Respondent No.2 did not call the petitioner for document verification and without intimating the petitioner about non-consideration of his application or calling for objections, issued the final selection list. Aggrieved by the final selection list, the petitioner has filed the present writ petition.

3. The respondents-State filed statement of objections contending that the writ petition filed by the petitioner is not maintainable and is liable to be dismissed on the ground of delay and laches.



4. It is contended that applicants were invited for the post of Dalayat under various reservation categories, classifications and vertical and horizontal roster points.

5. It is contended that number of posts reserved for Dalayat was 11. The petitioner had applied for the post of Dalayat under the 2A category, which is evident from the application submitted by the petitioner. Admittedly, there was no post reserved for the 2A category in the notification. The application of the petitioner was considered under the 2A Category.

6. It is contended that, as per the notification dated 26.04.2022, six posts of Dalayat were notified for the Local Cadre (Hyderabad-Karnataka). The petitioner had applied for the said post under 2A category. The Karnataka Examination Authority conducted the examination on 05.12.2022 and the petitioner secured 42.5 marks in the examination. It is contended that Sri Manjunathaiah Lingaiah Guruvin, whose application for the post of Dalayat was considered under the 2A Category,



secured the highest marks, i.e., 45 marks and was placed at Serial No.25. Therefore, Sri Manjunathaiah Lingaiah Guruvini, was selected against the post reserved for 2A Category. Since the petitioner secured lesser marks than Sri. Manjunathaiah Lingaiah Guruvini., he was not eligible for the said post. Hence, the respondents pray for dismissal of the writ petition.

7. Heard Sri.Bola Vedvyas Shenoy, learned counsel appearing for the petitioner and Sri. Reuben Jacob, learned Additional Advocate General appearing for the respondents Nos.1 and 2-State and perused the records and considered the submissions of learned counsel for the parties.

8. It is an undisputed fact that respondent No.2 has issued a recruitment Notification for filling up of various posts including the post of Dalayat, pursuant to the said recruitment Notification, the petitioner has applied for the post of Dalayat. As per the provisional list released



on 15.02.2023, the petitioner had secured 42.5 marks and was placed under 2A category at Sl.No.62.

9. First of all, on perusal of the memorandum of writ petition, it can be seen that the petitioner has not explained the delay in filing a writ petition. The Hon'ble Apex Court in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Ors. Vs. T.T. Murali Babu**, reported in **AIR (2014) 4 SCC 108 : AIR 2014 SC 1141**, held that in paragraph No.16, which reads as follows:

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant—a litigant who has forgotten the basic norms, namely, 'procrastination is the greatest thief of time' and second, law does not permit one to sleep and rise like a phoenix.



Delay does bring in hazard and causes injury to the lis. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent-employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which, in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons—who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

10. From the perusal of the judgment passed by the Hon'ble Apex Court, the Hon'ble Apex Court held that it is the duty of the Court to scrutinize whether such an anonymous delay is to be ignored without any justification. Admittedly, in the said case, there is a delay of more than 18 months in a filing the writ petition. The Hon'ble Apex Court held that delay does not deserve any indulgence and



on the said ground alone the writ Court should have thrown the petition overboard at the very threshold.

11. Further the Hon'ble Apex Court in the case of ***Shivamma (Dead) by LRs' Vs. Karnataka Housing Board and Ors. reported in 2025 SCC OnLine SC 1969***, held in paragraphs Nos.261, 262, 263 and 264.

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until



sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

12. From the perusal of the judgment passed by the Hon'ble Apex Court in case of ***Shivamma (supra)***, it is clear that no litigant should be permitted to do so lethargic and apathetic, muchless be permitted by the Courts to misuse the process of law.

13. The petitioner had the knowledge regarding issuance of the selection list on 15.02.2023. Despite knowing that the selection list was issued, the petitioner kept quiet and he filed this writ petition on 19.02.2025. In identical matters in ***Ajit Kumar Roy Vs. Union of India,***



the petition filed by the similarly placed petitioners has been dismissed on the ground of delay and laches.

14. The said order was challenged in Writ Appeal No.977/2026. The Division Bench dismissed the appeal vide judgment dated 02.06.2026, confirming the order passed in WP No.27318/2024. The Hon'ble Apex Court in case of ***P.S. Sadasivaswami Vs. State of Tamil Nadu*** reported in ***(1975) 1 SCC 152*** has held that the shortest delay also would disentitle the petitioner to relief in service matters under Article 226 of the Constitution of India.

15. The petitioner has failed to explain the delay in filing the writ petition after 90 months from the date of publication of final selection list. Hence, the writ petition is liable to be dismissed on the ground of delay and laches, considering the mandate laid down by the judgment rendered by the Hon'ble Apex Court and Co-ordinate Bench of this Court referred supra.

16. Accordingly, I pass the following:



ORDER

The writ petition is ***dismissed***.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

TMP
List No.: 1 SI No.: 0