



CNR: KAHC010131762022

NC: 2026:KHC:36607
WP No. 6297 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 6297 OF 2022 (GM-RES)

BETWEEN:

THE DIVISIONAL CONTROLLER
TUMKUR DIVISION
KARNATAKA STATE ROAD
TRANSPORT CORPORATION
TUMKUR - 572 101.

...PETITIONER

(BY SMT. H.R.RENUKA, ADVOCATE)

AND:

1. THE OMBUDSMAN
KARNATAKA AIDS PREVENTION SOCIETY
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES
AROGYA SOUDHA, 4TH FLOOR
LEPROSY HOSPITAL COMPOUND
1ST CROSS, MAGADI ROAD
BANGALORE - 560 023.

2. SRI H.C.BASAVARAJU
S/O LATE CHANNABASAPPA
AGED ABOUT 48 YEARS
R/AT HAGALAWADI GUBBI TALUK
TUMKUR DISTRICT - 572 222.

...RESPONDENTS

(BY SRI AJAY KUMAR M., ADVOCATE FOR R1;
SRI M.C.BASAVARAJU, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE

Digitally
signed by
SUMA B N
Location:
HIGH
COURT OF
KARNATAKA



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A WRIT OF CERTIORARI IN NATURE AND PLEASED TO QUASH THE ORDER PASSED BY THE RESPONDENT NO.1 ON 25.02.2022 IN COMPLAINT NO.OMBH/013/2021 BY DECLARING IT AS ILLEGAL, PERVERSE AND NOT IN ACCORDANCE WITH LAW AS PER ANNEXURE-P.

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

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

ORAL ORDER

1. After arguing the matter at length, learned counsel for the petitioner-corporation submits that respondent No.2 has furnished three disability certificates. Each certificate has given different description of his disabilities namely;

- (i) *'Immunocompromized State'.*
- (ii) *'Degenerative Disc Disease with L4-5 and L5-S1 With Posterior Disc Prolapse'.*
- (iii) *'Compressive Mylopathy'.*

2.Describing respondent No.2 suffering from 45% of permanent disability.

3. She further submits that in the light of these three different certificates, respondent No.2 be directed to obtain and furnish disability certificate from the concerned medical



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board in consonance with the directions issued by this Court in its order passed in W.P.No.8322/2022. If such certificate is furnished, respondent No.2 would be given suitable assignment.

4. Learned counsel for respondent No.2 submits that in terms of the direction issued by the Ombudsman who was approached by the respondent No.2 in terms of Notification issued under the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, the petitioner-Corporation has indeed given him a lighter job. Nevertheless he submits that as a requirement respondent No.2 would appear before the concerned medical board and if a direction is given to the medical board to issue certificate in the prescribed format as directed by this Court in W.P.No.8322/2022, interest of respondent No.2 will also be protected.

5. In that view of the matter, without advertng to merits or otherwise of the contentions urged, in the light of the submissions made, this Court deems it appropriate to direct the respondent No.2 to appear before the Superintendent



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Medical Board K.C. General Hospital, Malleshwaram on
10.08.2026 at 10.30 a.m. without fail.

6. The Superintendent Medical Board, K.C.General Hospital shall ensure that the Disability Certificate is issued strictly in compliance with the direction issued by this Court in W.P.No.5622/2022, W.P.No.16755/2022 and W.P.No.8322/2022 and in the prescribed format as held in W.P.No.102082/2024.

7. The directions issued by this Court in W.P.No.5622/2022 and W.P.No.16755/2022 are extracted hereunder for easy reference:

- (a) The details of the affected part of the body;*
- (b) The manner in which it is affected and the reason by which it has been affected;*
- (c) when the first affliction occurred;*
- (d) The treatment protocol followed as regards the said ailment/affliction;*
- (e) Diagnosis in simple layman's language which could be understood by a layman including this Court and the lawyers appearing;*
- (f) The further treatment protocol suggested and/or recommended by the medical board;*
- (g) The details of the physical impairment and/or mental disability, including the methodology of calculation of such impairment or disability;*



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- (h) The further reassessment of the disability to be conducted and the time frame in which it has to be conducted;*
- (i) The nature of the work which cannot be performed by such workman with reference to the current employment of the workman i.e., in other works to state whether the work which has been done by the workman presently at his/her posting could be done by said workman or not. If not what kind of work could be done by such workman.*
- (j) Schedule I of the Workmen's Compensation Act, 1923 provides for the percentage of loss of earning capacity on the basis of the injuries caused, the same could also be taken into account by the Medical Board.*
- (k) To contain the specifications of the disability of particular part of the body and the materials relied to arrive at such a conclusion.*
- (l) The details furnished to be legible and readable to the common man.*

Petition is ***disposed of*** accordingly. Respondent No.2 shall furnish the certificate in the prescribed format as held in W.P.No.102082/2024 to the petitioner-corporation. The petitioner-corporation shall continue to allow the respondent No.2 to discharge his duties and after receipt of the certificate, assign him a suitable work.

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