



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 10757 OF 2024 (S-RES)

BETWEEN:

SRI KIRAN KUMAR O
S/O SRI N R ONKARAPPA,
AGED ABOUT 26 YEARS,
PRESENTLY WORKING AS JUNIOR LINEMAN
O/O THE ASSISTANT EXECUTIVE ENGINEER (ELEC)
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
AVALAHALLI SUB-DIVISION,
HOSKOTE DIVISION,
BANGALORE RURAL DISTRICT - 560064
RESIDING AT BANDAPURA VILLAGE,
VIRGONAGAR POST,
BIDARAHALLI HOBLI
BANGALORE EAST TALUK
BANGALORE - 560067.

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA

...PETITIONER

(BY SRI. DEVARAJ N., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
CORPORATE OFFICE,
K.R.CIRCLE,
BANGALORE - 560001.



2. THE GENERAL MANAGER (ADMN AND HR)
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
CORPORATE OFFICE,
K.R.CIRCLE,
BANGALORE - 560001.
3. THE EXECUTIVE ENGINEER (ELEC)
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
CORPORATE OFFICE,
HOSKOTE DIVISION,
KEB CIRCLE, HOSKOTE TOWN
HOSKOTE TALUK,
BANGALORE RURAL DISTRICT - 562114.
4. THE ASSISTANT EXECUTIVE ENGINEER (ELEC)
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED,
CORPORATE OFFICE,
AVALAHALLI SUB-DIVISION
HOSKOTE DIVISION
BANGALORE - 560064..

...RESPONDENTS

[BY SMT. RAKSHITHA D J, ADVOCATE FOR R1 TO R4 (VK FILED FOR R2 TO R4)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) QUASH THE IMPUGNED OFFICIAL MEMORANDUM BEARING NO. BESCOM(HO.V)/KNIHIM(V)/LE/SA/LE/CSA-12/2023-24/64-68 DATED 03/04/2024 MARKED AT ANNEXURE-N ISSUED BY THE R3 AS THE SAME IS ILLEGAL, UNJUST, ARBITRARY, MALAFIDE, UNREASONABLE AND GROSSLY VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE. B) DIRECT THE RESPONDENTS TO CONTINUE THE SERVICES OF THE PETITIONER JUNIOR LINEMAN, O/O THE ASSISTANT EXECUTIVE ENGINEER (ELEC)., BANGALORE ELECTRICITY



SUPPLY COMPANY LIMITED, AVALAHALLI SUB-DIVISION,
HOSKOTE DIVISION, BANGALORE RURAL DISTRICT.

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

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

ORAL ORDER

The petitioner filed this writ petition seeking the
following reliefs:

- (a) *Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the impugned Official memorandum bearing No.BESCOM (Ho.V)/KNiHim(V)/Le/Sa/Le/CSa-12/2023-24/64-68 dated 03.04.2024 marked at Annexure-N issued by the 3rd respondent as the same is illegal, unjust, arbitrary, malafide, unreasonable and grossly violative of principles of nature justice.*
- (b) *Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to continue the services of petitioner Junior Lineman, O/o the Assistant Executive Engineer (Elec.), Bangalore Electricity Supply Company Limited, Avalahalli Sub-Division, Hoskote Division, Bangalore Rural District, to meet the ends of justice and;*



(c) Issue any such orders as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, to meet the ends of justice.

2. Brief facts, leading rise to the filing of the writ petition are as follows:

Respondent No.2 has issued an Employment Notification dated 05.08.2016 inviting application from the eligible candidates through online mode for the posts of Junior Lineman and for other posts. In pursuant to the Employment Notification, the petitioner applied for the post of Junior Lineman under 2A Rural Category. As per the notification, the minimum requirement for eligibility for the said post was that the candidate should have passed SSLC or 10th Standard, and the petitioner has passed the 10th Standard while he belongs to Balagara Community and produced the caste certificate. He had applied for the caste certificate before the Tahsildar, Hosadurga Taluk. Accordingly, caste certificate was issued by the Tahsildar, Hosadurga Taluk. The petitioner was called for written test



on 18.10.2016. The petitioner was asked to submit Caste and Income certificate from the concerned Tahsildar. The petitioner was selected under 2A Rural Category. In pursuance of the qualification and certificate issued by concerned Tahsildar, the petitioner was selected as Junior Lineman, he was given an Offer of Appointment on 19.04.2017. Respondent No.3 has sent the documents for verification purposes and thereafter, the office of Deputy Commissioner, Backward Class Development Authority, Chitradurga had sent a report stating that the caste certificate produced by the petitioner is only for education purpose, whereas for job reservation purpose it comes under Category-3A. The respondents have issued the show cause notice on 21.08.2023 indicating that the petitioner should not be removed from service. The petitioner replied to the said show cause notice stating that he was having no knowledge about two caste certificate and he had applied for the post based on caste certificate issued by the Competent Authority and



requested to continue his service as Junior Lineman. Respondent No.3 without holding an enquiry or without giving the opportunity of hearing the petitioner personally, passed the Official Memorandum dated 03.04.2024 and dismissed the petitioner from service with immediate effect. Hence, the petitioner filed this writ petition challenging the order of dismissal.

3. Respondent No.3 filed the statement of objections contending that the point No.9 in the Employment Notification clearly stated that the State Government of Karnataka orders and criteria are to be considered while applying for the job, but the petitioner herein while applying for job has submitted 2A income and caste certificate, which was taken for educational purpose, to secure the present post. He submits that the petitioner comes under Category-3A and not Category-2A. The respondents have likely dismissed the petitioner after issuing show cause notice. Action of the respondent in



dismissing the petitioner from service is in accordance with the law. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner and also learned counsel for the respondents.

5. Learned counsel for the petitioner submits that there cannot be separate reservation for the education and for employment. He submits that this Court in the case of **SMT. V.SUMITRA Vs. THE STATE OF KARNATAKA AND OTHERS IN W.P.No.15499/2013** has held that this Court had an occasion to consider the similar issue involved in the instant case. This Court has already held that particular community cannot be qualified for educational purpose under different group than that for the same community for employment purpose under a different group. He submits that the said writ petition be disposed of in terms of the order passed in **SMT.V.SUMITRA** (Supra).



6. Learned counsel for the respondents submits that the said writ petition be disposed of in terms of the order passed in the aforesaid writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the respondents have issued an Employment Notification on 05.08.2016 inviting an application from the eligible candidates through online mode for the posts of Junior Lineman and for other posts. The petitioner appeared for the written examination and got selected and an order of appointment was issued on 19.04.2017. Respondent No.3 has sent the documents for verification purpose. The office of the Deputy Commissioner, Backward Classes Department Authority, Chitradurga had sent a report stating that the caste certificate produced by the petitioner is only for education purpose, whereas for job reservation purpose it comes under Category-3A. The income and caste certificate



produced by the petitioner falls within Category-3A. Admittedly, the petitioner belongs to Balagara Community, which comes under Category-3A. The question involved in the instant case is whether the particular community classified for educational purposes under a different group than the classification made for the very same community for employment purposes under a different group? The Co-ordinate Bench had an occasion to consider the said issue in the case of **Smt. V.Sumitra** (Supra).

9. The Co-ordinate Bench of this Court in the case of **SMT V.SUMITRA Vs/ STATE OF KARNATAKA IN W.P.No.15499/2013** disposed of on 09.04.2025 held at para No.13.7 to 13.23, reads as follows:

13.7. A perusal of Article 14 above would indicate that the State shall not deny to any person equality before the law or the equal protection of laws within the territory of India. The term equality before the law in my considered opinion, would also include the reservation to be equal in all respects i.e., both under Article 15(4) and Article 16(4).



13.8. The equal protection of laws would also in my considered opinion include reservation, since the protection by way of affirmative action is for grant of reservation of a particular number of seats in education or particular number of posts in employment. Thus, the protection under Article 14 being subject to Article 15(4) and Article 16(4), there cannot be a discrimination of reservation *inter se* Article 15(4) and Article 16(4).

13.9. Article 15 of the Constitution of India, is reproduced hereunder for easy reference:

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:

- (1) *The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.*
- (2) *No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-*
 - (a) *access to shops, public restaurants, hotels and places of public entertainment; or*
 - (b) *the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.*
- (3) *Nothing in this Article shall prevent the State from making any special provision for women and children.*
- (4) *Nothing in this Article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and*



educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

- (5) *Nothing in this Article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.*
- (6) *Nothing in this Article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—*
 - (a) *any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and*
 - (b) *any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.*



Explanation.—For the purposes of this Article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

13.10. A perusal of Article 15 (4) would indicate that nothing in this Article or in Clause (2) of Article 29, shall prevent the State from making any special provision for the advancement of any Socially and Educationally Backward Classes of Citizens or for the Scheduled Castes and the Scheduled Tribes.

13.11. Article 16 of the Constitution of India, is reproduced hereunder for easy reference;

16. Equality of opportunity in matters of public employment:

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.*
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.*
- (3) Nothing in this Article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.*



(4) *Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.*

(4A) Nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of Scheduled Castes and the Scheduled Tribes which in the opinion of State are not adequately represented in the services under the State.

(4B) Nothing in this Article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent, reservation on total number of vacancies of that year.

(5) *Nothing in this Article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.*

(6) *Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in*



favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.

- 13.12. A perusal of Article 16(4) would indicate that nothing in Article 16 shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens, which in the opinion of the State is not adequately represented in the services under the State.
- 13.13. Except for making a statement that all aspects have been considered by the State, there is no data which has been placed by the State as regard what aspects have been taken into consideration while classifying the same community in Group-B in respect of Article 15(4) and in Group-D in respect of Article 16(4).
- 13.14. The differentiation in Article 15(4) and Article 16(4) is that under Article 15(4) special provisions have to be made for advancement of any Socially and Educationally Backward Class of Citizens and under Article 16(4) special provisions could be made in respect of a community or class of citizens who is not adequately represented in the services under the State.
- 13.15. There is nothing which is placed on record to indicate that the "Balajiga/Banajiga community" has been adequately represented in the services under the State, despite sufficient opportunities having been granted.



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13.16. Looked at it from another angle, when a particular community is stated to be socially and educationally backward, it cannot be the case that such Socially and Educationally Backward Classes of Citizens are adequately represented in the services under the State.

13.17. Needless to say, that for a person to be engaged in the services under the State, such person has to be educated and possess the requisite educational qualifications. If a class or community is socially and educationally backward for purposes of education, then the question of such Socially and Educationally Backward Classes being adequately represented in the services under the State, would not arise.

13.18. It is probably for the same reason that the framers of the Constitution firstly introduced Article 15, providing for special provisions to be made for Socially and Educationally Backward Classes Of Citizens, and thereafter under Article 16 provided for employment. Since the framers of the Constitution did realize that without education being provided, employment cannot be provided for such class, and it is only after making sufficient provisions for education that necessary provisions could be made for employment.

13.19. Looked at from this angle also, I am of the considered opinion that a particular class or category of persons cannot be said to be socially and educationally backward to classify them in Group-B for reservation under Article 15 (4) and consider the very same class to be more forward and adequately represented for the purpose of employment by classifying the



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same class in Group-D for purposes of Article 16(4).

13.20. This dichotomy and the dual standards which have been used is not justified by the State in any manner.

13.21. As rightly contended by Sri. M. S. Bhagwath., learned Senior counsel, whenever a particular class or category of persons is considered their status is to be considered the same both under Article 15(4) and Article 16(4) and in that regard he relied upon the decision of the Hon'ble Apex Court in ***K.C. Vasanth Kumar's case*** and again, in ***Davinder Singh's case*** the Hon'ble Apex Court has categorically held that for a beneficiary under Article 16 (4) such beneficiary class must predominantly be socially backward. The Hon'ble Apex Court has gone on to hold that the purpose of Article 15(4) and Article 16(4) is to ensure substantive equality of opportunity to the socially backward communities and further that the beneficiary class in Article 16(4) subsumes the socially and educationally backward classes under Article 15(4).

13.22. The Hon'ble Apex Court in ***Devinder Singh's case*** is clear and categorical in holding that Article 15(4) and Article 16(4) operate in the same sphere and that there has to be substantial equality of opportunity to socially backward communities, both in education and employment. The Hon'ble Apex Court in ***Davinder Singh's case*** further held that inadequate representation in Article 16(4) is not mutually exclusive of the requirement of backwardness and the representation of the



class in the services of the State must be because of the inadequate representation. It is therefore clear that what has been held by the Hon'ble Apex Court in **Vasanth Kumar's case**, as also in **Davinder Singh's case**, is that socially and educationally backwardness would be the basic criteria for both Article 15(4) and Article 16(4) to enable the State to make suitable special provisions.

13.23. In that view of the matter, I answer point No.1 by holding that a particular community cannot be classified for educational purposes under a different group than the classification made for the very same community for employment purposes under a different group. The community would have to be classified for both educational purposes and employment purposes under the same group. The State having classified the "Balajiga/Banajiga community" as Group-B for education purposes, it is required for the State to classify the very same community as Group-B for employment purposes and not under Group-D.

10. The Co-ordinate Bench has already taken a view that the community cannot be classified for education purpose under a different group than clarification made for the same community for the employment purpose under a different group. The community would have to be



classified for both educational purposes and employment purposes under the same group. The State having classified the Balagara as Category-2A Rural Category for education purpose and for Community as Category-3A. The said issue involved in the said case is duly covered the order passed by this Court in the case of **SMT. V.SUMITRA** (Supra). I concur with the findings recorded by the Co-ordinate Bench of this Court in the case of **SMT. V.SUMITRA** (Supra). Hence, the impugned order passed by the respondent is mandate is contrary to law laid down by this Court in the case of **SMT. V.SUMITRA** (Supra).

11. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.



- ii. The impugned Official Memorandum dated 03.04.2024 issued by respondent No.3 vide Annexure-N is hereby quashed.
- iii. The respondents are directed to reinstate the petitioner in service as a Junior Lineman and the petitioner is entitled for all benefits.
- iv. Pending applications, if any, stand disposed off accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE