



CNR: KAHC010297822018

NC: 2026:KHC:42128
WP No. 54353 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO.54353 OF 2018 (S-RES)

BETWEEN:

1. MR.NAVEEN R
S/O RANGARAJU P
AGED ABOUT 34 YEARS
OCC:SELECTED AS POURAKARMIKA
(NOW REMOVED FROM FINAL SELECTION LIST)
R/A BELAGUMBA THOTA
BELAGUMBA, TUMKUR DISTRICT
TUMKUR - 572 101
2. MR.HANUMANTHRAYA L
S/O LAKSHMANAPPA
AGED ABOUT 36 YEARS
OCC:SELECTED AS POURAKARMIKA
(NOW REMOVED FROM FINAL LIST)
R/A NEW EXTENSION, UPPARAHALLI
NEAR SAPTHAGIRI TENT, TUMKUR DISTRICT
TUMKUR - 572 101
3. MR. GANGADHAR S
S/O SHIVANNA
AGED ABOUT 36 YEARS
OCC:SELECTED AS POURAKARMIKA
(NOW REMOVED FROM FINAL LIST)
R/A 2ND CROSS, NEAR GANAPATHI TEMPLE,
SIDDAGANGA EXTENSION, SOMESWAR
TUMKUR DISTRICT, TUMKUR - 572 101

PETITIONERS

(BY SRI. SUBHASH CHANDRA BOSE,
SRI.RAVIPRAKSH T AVIN, ADVOCATES)

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA





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AND:

1. STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
VIKASA SOUDHA
AMBEDKAR VEEDI
BENGALURU – 560 001
REPRESENTED BY ITS
PRINCIPAL SECRETARY

2. PRESIDENT
SELECTION AND DIRECT
RECRUITMENT AUTHORITY AND
DEPUTY COMMISSIONER
TUMKUR DISTRICT
TUMKUR – 572 101

3. TUMKUR CITY CORPORATION
TUMKUR DISTRICT
TUMKUR - 572 101
REPRESENTED BY
ITS COMMISSIONER

...RESPONDENTS

(BY SRI.G. RAMESH NAIK, AGA FOR R1 & R2;
SMT/MISS SAKSHI M.KRISHNA FOR
SRI. SUBRAMANYA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED SELECTION LIST DATED 02.06.2018
VIDE ANNEXURE-A IN SO FAR AS 3 POSTS OF POURAKARMIKA
UNDER 2A CATEGORY, SCHEDULE TRIBE (KANNADA MEDIUM
AND RURAL) AND 3B CATEGORY AND ETC.,

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



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

ORAL ORDER

Petitioners have filed this writ petition seeking the following reliefs:

- a) *To issue a writ in the nature of certiorari quashing the impugned selection list bearing No.DiUDiSi /Sibbandi /Si.Aar /240 / 2017-18 issued by respondent No.2 dated 02.06.2018 as per Annexure-A in so far as 3 posts of Pourakarmika under 2A Category, Schedule Tribe (Kannada Medium and Rural) and 3B category.*
- b) *To issue a writ in the nature of Mandamus directing the respondent No.2 to issue appointment orders to petitioners as Pourakarmikas in Tumkur City Corporation.*
- c) *Issue any other suitable writ, order or directions deemed fit under the facts and circumstances of the case including awarding of costs in the interest of justice and equity.*

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



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2.1 The respondent No.1 through Notification dated 04.12.2017 published in Karnataka Gazette dated 04.12.2017, framed the Karnataka Municipalities (Recruitment of Pourakarmikas in the City Municipal Council, Town Municipal Councils and Town Panchayats) (Special) Rules, 2017, (hereinafter referred to as 'the Rules, 2017' for short) and the said Rules came into force on the same day. The Rules were framed for the recruitment of eligible persons for Pourakarmikas. Under the said Rules, respondent No.2 was the Appointing Authority for the Tumkur District. The Rules authorised respondent No.2 to publish the recruitment notification for direct recruitment of Pourakarmikas, after taking into consideration the vacancies in the Tumkur City Corporation.

2.2 Accordingly, respondent No.2 published the recruitment notification inviting applications for 205 Pourakarmika Posts. The eligibility criteria for direct



selection and consequent appointment as Pourakarmikas was that the applicant should know Kannada and only those employees, who are working as a Pourakarmikas on daily wages basis, contract basis, outsource contract basis, employees of equal pay for equal work and welfare in the Tumkur City Corporation shall only apply for the selection and with the age limit of 45 years.

2.3 In pursuance of the said recruitment notification, the petitioners applied to the posts of Pourakarmikas as they were working as Pourakarmikas in the Tumkur City Corporation on a contract basis through Contractor Ganesh Shankar Environmental Solutions Private Limited. Petitioner Nos.1, 2 and 3 worked as Pourakarmikas in Tumkur City Corporation for last more than 7, 5 and 3 years respectively. Petitioners know Kannada and they are eligible for working as Pourakarmikas in Tumkur City Corporation. Respondent No.2 considering the eligibility of the petitioners and other



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applicants, published the Provisional Selection List dated 18.05.2018 and name of the petitioners were found at serial Nos.72, 91 and 93.

2.4 After publishing the Provisional Selection List, objections were sought to the Provisional Selection List, if any, to be filed within a period of 10 days from the date of publication. The petitioners did not file any objections to the said Provisional Selection List, as their names were listed for the selection as Pourakarmikas. However, due to their shock and surprise, the petitioners' names were not found in the Final Selection List and Appointment List vide Annexure-A dated 02.06.2018. The petitioners submitted a representation dated 05.06.2018 to respondent No.2 along with the requisite documents showing that they are eligible to be appointed as Pourakarmikas and their names are removed from the Final Selection List. The petitioners, aggrieved by the Final Section List, have filed this writ petition.



3. Despite granting sufficient opportunity, the respondents have not filed statement of objections.

4. Heard the learned counsel for the petitioners, learned Additional Government Advocate and learned counsel for respondent No.3.

5. Learned counsel for the petitioners submits that the petitioners were working as Pourakarmikas in Tumkur City Corporation on a contract basis through Contractor – Ganesh Shankar Environmental Solutions Private Limited. He submitted that respondent No.1 issued a notification dated 04.12.2017 published in Karnataka Gazette dated 04.12.2017. He submitted that the said Rules are framed for recruitment of eligible persons as Pourakarmikas. He submitted that the petitioners are eligible for the posts of Pourakarmikas. He submitted that pursuant to the said notification, the petitioners have applied for the posts of Pourakarmikas. Their names were found in the Provisional Selection List at Annexure-E. He submitted that the names



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of the petitioners are not found in the Final Selection List at Annexure-A. He submitted that the action of the respondents in not including the name of the petitioners in the Final Selection List at Annexure-A is arbitrary and erroneous and he also submitted that the petitioners have produced the documents to show that they were working as Pourakarmikas under the Contractor i.e., Ganesh Shankar Environmental Solutions Private Limited. Hence, on these grounds, he prays to allow the writ petition.

6. Learned counsel for respondent No.3 submitted that petitioners were not working as Pourakarmikas in the Tumkur City Corporation. Hence, they are not eligible for the said post and since they were working under the Contractor, their names have not been included in the Final Selection List. The action of the respondents in not including the names of the petitioners in the Final Selection List is legal and in accordance with the Rules of 2017. Hence, on these grounds, he prays to dismiss the petition.



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

8. The petitioners have contended that they were working as Pourakarmikas under the Contractor on a contract basis. Thus, in order to prove that the petitioners were working as Pourakarmikas, they produced the records i.e., checklist issued by respondent No.2 for having received the documents of petitioner No.1, which clearly discloses that a certificate was issued to petitioner No.1 by the Contractor i.e., Ganesh Shankar Environmental Solutions Private Limited on 01.03.2018, wherein he has issued a certificate stating that the petitioner No.1 has worked in their organisation from 01.05.2014 to 01.08.2017 as Pourakarmika and his character and conduct was good at the work place and it is also stated that he was also covered under ESIC and PF Act-bearing ESI No.4938480610 and PF No.PY/PNY/32398-313 for the period from 01.05.2014 to 01.08.2017 in their establishment. The petitioner also produced the



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Provisional Selection List, which clearly discloses that the names of the petitioners were found at Serial Nos.72, 91 and 93, which clearly discloses that they were working as Pourakarmikas under the Contractors. The respondent No.1 through a notification dated 04.12.2017 published in Karnataka Gazette dated 04.12.2017 framed the Karnataka Municipalities (Recruitment of Pourakarmikas in the City Municipal Council, Town Municipal Councils and Town Panchayats) (Special) Rules, 2017, which provides the Appointing Authority for Tumkur District. The Rules authorised respondent No.2 to publish the recruitment notification for direct recruitment of Pourakarmikas. Pursuant to the said notification issued by respondent No.2, the petitioners have submitted their applications. The respondent No.2 considering the documents produced by the petitioners has published the Provisional Selection List, which clearly discloses that the names of the petitioners found at serial numbers 72, 91 and 93. But in the Final Selection List, the names of the petitioners were



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not found only on the ground that the petitioners were not served as Pourakarmikas in the Corporation till date. If the petitioners did not serve as Pourakarmika, then there was no occasion for respondent No.2 to include the names of the petitioners in the Provisional Selection list. As the records found that petitioners were working as Pourakarmikas, hence, their names were included in the Provisional Selection List.

9. The respondent No.3 has produced the copy of the objections dated 28.05.2018 submitted by the General Secretary of the Union to the Deputy Commissioner cum Chairman, Municipal Workers (Pourakarmika), Direct Recruitment Authority, DC Office, Tumkur stating that the petitioners were not working as Pourakarmikas. Respondent No.2 without considering the records produced by the petitioners which clearly disclose that the petitioners were working under a Contractor as Pourakarmikas and the name of the petitioners were found in the Provisional Selection List, on the basis of the



objections filed by the General Secretary of Union, has not shown the names of the petitioners in the Final Selection List. The action of respondent No.2 in not including the names of the petitioners in the Final Section List is illegal.

10. The Final Selection List issued by the respondents in not including the names of the petitioners is arbitrary and contrary to the records produced by the petitioners before this Court. Thus, the impugned Final Selection List not showing the names of the petitioners is arbitrary and erroneous. In view of the above discussion, I proceed to pass the following:

ORDER

- i) The petition is hereby ***disposed of***.
- ii) The respondent No.2 is directed to include the name of the petitioners in the Final Selection List and issue appointment orders to the petitioners as Pourakarmikas in



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Tumkur City Corporation within a period of 2 months from
the date of receipt of copy of this order.

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

MDS
List No.: 1 Sl No.: 30