



CNR: KAHC010318232026

NC: 2026:KHC:47314-DB
WP No. 14639 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 14639 OF 2026 (S-KSAT)

BETWEEN:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF TRANSPORT
M.S. BUILDING
BENGALURU - 560 001.
2. THE COMMISSIONER
DEPARTMENT OF TRANSPORT
1ST FLOOR, 'A' BLOCK
TTMC BUILDING, SHANTINAGAR
BENGALURU - 560 027.

...PETITIONERS

(BY SRI REUBEN JACOB, AAG A/W
SRI V. SHIVA REDDY, AGA)

AND:

1. SMT. JAYASHREE H.M.
W/O. RAKESH G.S.
AGED ABOUT 41 YEARS
RESIDING AT NO.11
1ST MAIN, 6TH CROSS
WARD NO.13, KALYAN NAGAR
T. DASARAHALLI
BENGALURU - 560 097.



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2. THE KARNATAKA PUBLIC
SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
UDYOGA SOUDHA
BANGALORE – 560 001.
3. SMT. HARSHITHA N.
HUSBAND'S NAME NOT KNOWN
TO THE APPLICANT, MAJOR
RESIDING AT "ADARSHA NILAYA"
BHIMAYA COLONY, 2ND CROSS
B.M.ROAD, HASSAN – 573 201.

...RESPONDENTS

(BY SRI SATISH K., ADVOCATE FOR C/R1 IN CP.NO.13271/26;
SRI K.M. PRAKASH, ADVOCATE FOR R2;
SRI V.R. SARATHY, ADVOCATE AND
SMT. CHAITRA PATTAR, ADVOCATE FOR R3;
SRI VASANTHA KUMAR K.M., ADVOCATE FOR
IMPLEADING APPLICANTS)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI FOR QUASHING OF THE ORDER DATED
04/12/2025 PASSED BY THE LEARNED KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION
NO.4487/2024 PRODUCED AT ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO



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ORAL ORDER

(PER: HON'BLE MR. JUSTICE R DEVDAS)

The State of Karnataka along with the Commissioner, Department of Transport have filed this writ petition under Articles 226 and 227 of the Constitution of India, calling in question the impugned order passed by the Karnataka State Administrative Tribunal in Application No.4487/2024 dated 04.12.2025.

2. The matter arises out of the recruitment process initiated by the Department of Transport, Government of Karnataka for selection of candidates for the post of Inspector of Motor Vehicles. On 04.07.2019, the Karnataka Public Service Commission (hereinafter referred to as 'KPSC', for short) which was entrusted with the task of conducting the selection process, published a Provisional Select List of



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candidates. The list did not contain the name of respondent No.1, since admittedly respondent No.1 remained absent for the medical test. The KPSC published a list of rejected candidates on 05.07.2019 and the said list contained the name of respondent No.1 with the remarks "Absent for medical test Re-medical test report cancelled". However, the KPSC took a decision to conduct re-medical test of 11 candidates, including respondent No.1. In the re-medical test, all the 11 candidates, who were recommended for re-medical test were cleared. Some of the candidates selected in the first list raised objections to the second medical test conducted by the KPSC in respect of 11 candidates including respondent No.1.

3. The KPSC, accepting the objections, recalled the notification whereby, it had enabled the 11



candidates to undergo re-medical test. Aggrieved by the same, 5 out of the 11 candidates raised a challenge before the Karnataka Administrative Tribunal in Application Nos.4122-26/2018. It is not disputed that the Tribunal arranged for a medical examination in the Tribunal itself and in the medical examination conducted by the Tribunal, four of the applicants did not clear the required fitness but only one out of the 5 candidates namely, Sri.Pradeep Kumar Y.M. cleared the medical test which was in respect of the girth of the chest. The unsuccessful candidates approached this Court in W.P.No.1089/2021 and this Court dismissed the writ petition on 25.03.2026. However, there were some other proceedings initiated by some of the unsuccessful candidates and as a consequence of which, the KPSC published a notification dated 29.04.2022. The said notification again contained a



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provisional select list and thereafter, a final select list was published on 22.07.2022. In the said list, the name of respondent No.3 herein found place. The said list again became a controversy and some of the aggrieved candidates approached the Karnataka State Administrative Tribunal in Application Nos.3527-28/2022 and in Application No.3313/2022, which was mainly in respect of age relaxation in terms of clause 6.2 of the notification dated 04.02.2016. The Tribunal allowed the applications and directed the KPSC to provide age relaxation and consider their cases for selection to the post of Motor Vehicle Inspectors if they were otherwise eligible. The KPSC published the cut off marks / list of the candidates as per the roster on 30.09.2023. The name of respondent No.1 also figured in the list of rejected candidates and once again, a revised final select list was published on 26.10.2023. However, the name of respondent No.3



was found at Sl.No.113 and both respondents Nos.1 and 3 were seeking selection in category 3A/W.

4. Aggrieved by the revised final selection list dated 26.10.2023, the respondent No.1 filed Application No.4487/2024 before the Tribunal. The Tribunal having been convinced that this Court in the case of ***Sri.Manjunath P. vs. the State of Karnataka and another, in W.P.No.469/2024*** had directed the KPSC and the State Government to consider the case of the petitioners therein with reference to their height and having regard to the earlier directions issued by the Hon'ble Supreme Court in Special Leave Petition No.32186-32199 of 2014 dated 30.08.2022, was of the opinion that the question of reconsidering the height of the candidates would not arise. Accordingly, the Tribunal proceeded to pass the impugned order directing the KPSC to



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consider the re-medical test report submitted by the Medical Board, Victoria Hospital held on 05.04.2018 and consider the case of the respondent No.1 for selection, if she is otherwise eligible, in accordance with law. It was also directed that the selection of respondent No.3 herein need not be disturbed as a consequence of selection and appointment of respondent No.1. It was directed that the KPSC and the Government should create a supernumerary post and protect the interest of respondent No.3 herein. The State and the Commissioner of the Transport Department are before this Court being aggrieved of the order passed by the Tribunal.

5. Learned Additional Advocate General appearing for the petitioners vehemently contented that the Tribunal has fallen in grave error having reconsidered the claim of the respondent No.1 herein.



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Both the learned AAG as well as the learned counsel for the respondent - KPSC have vehemently contended that it is an admitted fact that respondent No.1 herein did not raise a challenge to the recalling of the notification issued consequent to the re-medical test conducted by the KPSC. It is pointed out that the selection of the 11 candidates was recalled by the KPSC on 04.07.2019 and respondent No.1 never challenged the said order of the KPSC. It was only pursuant to the subsequent Provisional Select List, which was on the ground of relaxation of age that a chance opportunity became available for respondent No.1 and accordingly, the said Provisional Select List, which was published on 30.04.2022 and final select list published on 22.07.2022 was challenged by respondent No.1.



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6. Learned AAG and learned counsel for the KPSC vehemently contented that respondent No.1 never qualified in the physical fitness test, more particularly the height. It was therefore submitted before this Court that this Court itself should examine both the candidates namely, respondent No.1 and respondent No.3 for their height.

7. Accordingly, today this Court conducted the physical examination of respondent No.1 and respondent No.3 for their height and it is found that respondent No.1 measures 154.5 cms., while respondent No.3 measures 158 cms. The height prescribed under the recruitment notification for women is '157' cms.

8. Having regard to the facts narrated herein above and the physical examination conducted by this Court, when it is clear that respondent No.1 does not



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clear the physical height required in terms of the recruitment notification and the Rules, the decision of the Tribunal to enable the respondent No.1 to be selected for the post of Inspector of Motor Vehicles, cannot be countenanced.

9. Learned counsel for respondent No.1 has vehemently contented that this Court in the case of the ***Karnataka Public Service Commission vs. Smt.Pooja P. Nayak and another*** decided on 08.11.2024 in ***W.P.No.11233/2023*** and in the case of ***The Karnataka Public Service Commission vs. Sri.Sikandra Babu and another*** decided on 08.11.2024 in ***W.P.No.11158/2023*** permitted consideration of the second medical report and consequently, both ***Smt.Pooja P. Nayak*** and ***Sri.Sikandra Babu*** were selected and appointed by



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the petitioners and therefore, there is nothing illegal or arbitrary in the impugned order.

10. We are of the considered opinion that having regard to the physical examination conducted by this Court, in the presence of all the learned counsels, it would not inspire confidence in this Court to permit the selection of respondent No.1.

11. On the contrary, in the matter of the height of the candidates, since respondent No.3 has cleared the minimum requirement of height in terms of the recruitment notification and the Rules, we cannot permit the non-selection of respondent No.3 or even permit the KPSC to continue the appointment of respondent No.3 by creating a supernumerary post, while accommodating respondent No.1.



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12. For the reasons stated above, we proceed to ***allow*** the writ petition while setting aside the impugned order passed by the Karnataka State Administrative Tribunal in Application No.4487/2024 dated 04.12.2025.

Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-
List No.: 1 SI No.: 2