



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 15614 OF 2022 (GM-CC)

BETWEEN:

SRIHARSHA M B
S/O BASAVARAJ M
AGED ABOUT 31 YEARS
R/O C/O MAHADESHWARA NILAYA
JYOTHIRAO STREET, VIDYANAGAR
SHIVAMOGGA - 577 203.

...PETITIONER

(BY SRI. VIRUPAKSHAIAH P H., ADVOCATE)

AND:

1. THE COMMISSIONER FOR BACKWARD CLASSES DEPARTMENT AND APPELLATE AUTHORITY FOR VERIFICATION OF CASTE AND INCOME CERTIFICATES NO.16, D DEVARAJ URS BHAWAN MILLERS TANK BED AREA, VASANTHANAGAR BENGALURU - 560 052.
2. THE DEPUTY COMMISSIONER AND CHAIRMAN DISTRICT LEVEL CASTE VERIFICATION COMMITTEE SHIVAMOGGA DISTRICT SHIVAMOGGA - 577 201.
3. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS FOREST CELL AND RECRUITMENT AUTHORITY ARANYA BHAVANA, MALLESHWARAM BANGALORE - 560 003.

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



4. THE TAHSILDAR
SHIVAMOGGA TALUK
SHIVAMOGGA - 577 201.
5. THE MEMBER SECRETARY AND DISTRICT OFFICER
DISTRICT LEVEL CASTE VERIFICATION COMMITTEE
SHIVAMOGGA DISTRICT
SHIVAMOGGA - 577 201.
6. THE MEMBER SECRETARY/ DEPUTY SECRETARY
DISTRICT LEVEL CASTE VERIFICATION COMMITTEE
ZILLA PANCHAYATH
SHIVAMOGGA DISTRICT
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI. SRINIVASKUMAR M., HCGP FOR R1 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD 22/26.09.2017 BEARING NO.HIM.VA.KA.E/A-4/SHIDHUTHVA/CR-197/2016-17 VIDE ANNEXURE-J AND THE RESOLUTION DTD 06.09.2017 VIDE ANNEXURE-L PASSED BY THE R2 AUTHORITY HOLDING THE SAME ARE ILLEGAL IN SO FAR AS PETITIONER CONCERNED AND ETC.

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

Petitioner who has completed his degree in B.Sc.(Forest) from Dharwad Agricultural University and also M.Sc. in Environmental Science from Kuvempu University, Shivamogga



had sought for issuance of a certificate under Category-IIA on 10.12.2009 for the purpose of employment of the petitioner.

2. Respondent No.3 had issued a notification on 20.08.2011 calling for applications for recruitment to the post of Range Forest Officer in the Forest Department.

3. Petitioner had filed an application for the said post claiming reservation under Category-IIA. Petitioner was selected and his name was reflected in the list of candidates who were selected for the said post. Petitioner underwent training during the year 2012-14 by the respondent No.3-authority successfully.

4. In the meanwhile, respondent No.3 had addressed a communication to respondent No.2-authority seeking furnishing of validation of the certificate obtained by the petitioner in the category-IIA. Respondent No.2 in turn had addressed a letter to the respondent No.5 to furnish the caste validity certificate of the petitioner directly to the respondent No.3. The caste verification committee of the respondent No.2-authority conducted an enquiry with regard to income of the petitioner for the purpose of determination of caste, income and status of



the petitioner. A report was submitted by the Backward Class Extension officer recommending issuance of validity certificate in favour of the petitioner. However, respondent No.2 authority passed order dated 22/26.09.2017 rejecting the claim of the petitioner holding that he was not entitled for a certificate under Category-IIA for appointment as a Range Forest Officer. It is this order as against which the petitioner has preferred an appeal which also came to be rejected. Being aggrieved the petitioner is before this Court.

5. Learned counsel for the petitioner taking this Court through the records submit that the only reason for rejection or for declining to issue validity certificate by respondent authority is the income criteria. He submits respondent authorities have failed to take into consideration the comprehensive creamy layer eligibility criteria which was issued at Annexure-II to G.P.No.SWD 225 BCA 2000 dated 30.03.2002. In that the persons who are eligible and ineligible for obtaining certificate has been enumerated. Serial No.3 of the said annexure indicate ineligibility of the candidates whose his/her father's mother's/guardian's gross annual income exceeds Rs.2,00,000/-. He submitted that a clarification in this regard



was issued by the Government of Karnataka on 01.03.2005, in terms of which the income limit of Rs.2,00,000/- was applicable only in respect of candidates whose parents, guardians were Group A and B employees and would not apply to candidates whose parents were Group C employees notwithstanding their income exceeding the said limit of Rs.2,00,000/-. He further submits the said income limit of Rs.2,00,000/- has been enhanced to Rs.8,00,000/-. He submits parents of petitioner who were working as a police constable and primary school teacher respectively have retired after attaining superannuation and the employment they held was of group `C' category. That in terms of the clarification issued by the Government of Karnataka as per Annexure-P, since the parents of the petitioners were Group `C' employees and their income was below Rs.8,00,000/- the respondent authorities ought not to have rejected or declined to issue the validity certificate. He also relies upon the following judgments of this Court and also Apex Court:

(i) ILR 1995 Kar 3212- Ms.Hajira Tarannum Vs Common Entrance Test Cell.

(ii) Judgment dated 11.03.2026 in Civil Appeal No.2827-2829/2018 in the case of Union of India and others Vs Rohith Nathan and anr etc., and connected matters.



(iii) Order dated 30.08.2024 in W.P.No.2667/2021 in the case of M.Anjanappa Vs The Deputy Commissioner and others

(iv) Order dated 29.03.2021 in W.P.No.100501/2021 in the case of Vinayak Vs State of Karnataka.

6. Learned HCGP does not dispute the fact that as per the clarification issued by the Government of Karnataka as per Annexure-P, the income limit of Rs.2,00,000/- which is now fixed at Rs.8,00,000/- is not applicable to candidates whose parents were group `C' employees.

7. Relevant portion of Annexure-P reads as under:

"Government servant are covered by clause-2 of Annexure-II to the Government Order dated 30.03.2002, it applies only to Group-A and Group-B officers clause-3 applies to a candidate if his father's, mother's/Guardian's gross annual income exceeds its, Rs.2.00 lakhs. This clause applies only to candidates, where whose father, mother/guardian are not covered by clause-2 when the parents of a candidate or his guardian do not come within clause-2 through they happen to be Government Servants, they cannot be brought under the restriction of clause-3 on the ground that through they happened to be group-C employees in the Government their gross income exceeds Rs.2.00 lakhs.

8. In the instant case parents of the petitioner were group `C' employees and their income was below the limit of Rs.8,00,000/- as such, the petitioner is entitled for issuance of validity certificate.



9. In that view, the matter, petition is ***allowed***.
Impugned orders at Annexure-J dated 22/26.09.2017,
Annexure-L dated 06.09.2017 and Annexure-M dated
18.01.2020 are quashed.

Respondent No.2 is directed to issue validity certificate if
the petitioner otherwise satisfies the requirement of law, as
expeditiously as possible within an outer limit of three months
from the date of receipt of certified copy of this order.

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

SBN