

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 11651 OF 2026 (S-KSAT)

C/W

WRIT PETITION NO. 16176 OF 2026 (S-KSAT)

IN WP NO. 11651/2026

BETWEEN:

1. SRI OMPRAKSH N P
S/O VAMADEVA N P
AGED ABOUT 38 YEARS,
R/AT NO.129 KAVALAHALLI
KYARAKATTI POST,
HARAPANAHALLI TALUK
VIJAYANAGAR-583 125.
2. SRI. SHIVAKUMAR
S/O NINGANNA KALYANI
AGED ABOUT 38 YEARS
R/AT NO.E-175, SIRNOOR POST
KALBURGI- 585 308.
3. SMT. NIRMALA. V
WIFE OF VASANTH
AGED ABOUT 45 YEARS
R/AT NO.112, 1ST MAIN ROAD,
RAMA KRISHNA BLOCK
THYAGARAJA NAGAR
BENGALURU-560 028.
4. SMT. ABBU JAYASUDHA
WIFE OF THYAGARAJAN .D
AGED ABOUT 42 YEARS
NO.86, 11TH CROSS,

Digitally signed by
NANTUN DACHARI
Location: High
Court of
Karnataka

2ND MAIN ROAD, B.K. NAGAR
YESHWANTHPUR
BENGALURU - 560 022.

5. SMT. SHWETA G. HOSUR
WIFE OF VISHVESHWAR JAKATI
AGED ABOUT 32 YEARS
RESIDING AT NO. T06,
PARK VIEW APARTMENT
BESIDE KARANJI MATH
NEAR JYOTIBHA TEMPLE
SHIV BASAVANAGAR
BELAGAVI - 590 010.

6. SRI. RAKESH
S/O VAIJINATH MODI
AGED ABOUT 41 YEARS
R/AT NO. H.NO. 11-1-81
MANGALPETH
BIDAR- 585 401.

7. SMT. RAMYA.V
WIFE OF MANOJ B
AGED ABOUT 36 YEARS
R/AT NO.176/3, 6TH CROSS,
1ST MAIN ROAD, JAKKASANDRA
KORAMANGALA 1ST BLOCK,
BENGALURU -560 034.

...PETITIONERS

(BY SRI. P.S. RAJAGOPAL, SR. COUNSEL A/W
SRI JAYANT DEV KUMAR, ADV.)

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH AND
FAMILY WELFARE
NO.105, 1ST FLOOR,
DR. AMBEDKAR VEEDHI
VIKAS SOUDHA,
BENGALURU - 560001.

2. KARNATAKA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
UDYOG SOUDHA
DEVRAJ URS ROAD
NEAR VIDHANA SOUDHA
BENGALURU - 560 001.
3. SRI. JAFFER SADIQ.A
R/AT NO.33, ATHITHI LAYOUT
NEAR LVS APARTMENTS
ANANDAPURA, K.R. PURAM,
BENGALURU - 560 036.
4. SRI. KARTHIK AITHAL P
RESIDING AT NO.2-56/A
GANESH PRASAD HOUSE
NEAR HIGH SCHOOL, KOKKADA
BELTHANGADY
DAKSHINA KANNADA -574 198.
5. SRI. MAHESH N.S.
R/AT NO.4298, 1ST MAIN ROAD
SUBRAMANYA NAGAR
BENGALURU - 560 021.
6. SRI. SHREESHYLAPPA MALAGI
R/AT NO.1, 151/B,
AHOLI, GANGAVATI
KOPPAL- 583 235.
7. SRI. SUNIL KUMAR.K
NO.8, 1ST MAIN ROAD, 16TH CROSS,
MALAGALA MAIN ROAD
NAGARBHAVI 2ND STAGE
BENGALURU - 560 091.
8. SMT. GEETHA .L
RESIDING AT MARUTHI NILAYA
NEAR GANGANNA FARM
NEW EXTENSION, HEGGERE
TUMKUR- 572 107.
9. SRI. NAGARAJAMURTHY .S
R/AT NO. 603, 9TH CROSS,

GANDHI NAGARA
MANDYA - 571 401.

10. SRI. MANJUNATHA S. CHIKKAMANI
RESIDING AT HOUSE NO.59,
AMMANAVARA ANUGRAHA
3RD CROSS, VIDHANA SOUDHA LAYOUT,
PEENYA, BENGALURU- 560 058.
11. SMT. MAMATHA.G.T
R/AT C/O BORAIAH
GURUDEVARAHALLY
CA KERE POST, MADDUR HOBLI
MANDYA - 571 428.
12. SMT. CHAITRA.G
REISDING AT C/O KAALAPPA.P
BEHIND VEERABHADRESHWARA TEMPLE
NEAR OLD BUS STAND
HARAPANAHALLI
DAVANGERE- 583 131.
13. SRI. SATISHCHANDRA CHOUGALA
PHARMACIST, GENERAL HOSPITAL
HUKKERI TALUK
BELAGAVI- 591 309.
14. SMT. PRIYANKA
R/AT NO.24, FLAT NO.201,
ANRIYA RESIDENCY
AECS LAYOUT, SANJAYNAGAR
BENGALURU - 560 094.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1
SRI K.M. PRAKASH, ADV. FOR R2
DR. ADITYA SONDDHI, SR. COUNSEL A/W
SRI. SHAHNAWAS MAMADAPUR &
SRI. ALAN DEVAIAH, ADV. FOR R3, R4, R8 & R9
SRI G.S. KANNUR, SR. COUNSEL A/W
MS. INDU K.P. FOR R6
SRI B.V. ACHARYA, SR. COUNSEL A/W
SRI SHAKEER ABBAS M., ADV. FOR R5, R7 R11, R12 & R14
R10 SERVED AND UNREPRESENTED
R13 SERVED AND UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO APPLICATION NOS.1987-1993/2026 BEFORE THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AND A) QUASH ORDER DATED 27/03/2026 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NOS.1987-1993/2026 (UNDER ANNEXURE-A) AND, AND GRANT ALL CONSEQUENTIAL RELIEFS AND ETC.

IN WP NO. 16176/2026

BETWEEN:

1. SMT. DIMPLE PIRGAL
W/O PRADEEP KUMAR R
D/O SAMPAT RAJ
AGED ABOUT 43 YEARS
#5, P.V.N. LANE,
2ND CROSS, THIGALARPET
BENGALURU-560002.
2. SRI NISSARA AHAMMED
S/O FAIROZ SAB
AGED ABOUT 45 YEARS
PERMANENT ADDRESS:
BESIDE MODERN TALKIS
PANCHAVATI COLONY
SHIVMOGGA- 577201
PRESENTLY AT:
#7, BURHANI HOUSE
CPV BLOCK, A CROSS
GANGA NAGAR, R.T. NAGAR
BENGALURU-560032.
3. SRI BASAVARAJA CHANDRASHEKARA
DODDAMANI
S/O CHANDRASHEKARA DODDAMANI
AGED ABOUT 43 YEARS
PERMANENT ADDRESS:
PLOT NO.193, KIADV
2ND STAGE, RAYAPUR

DHARWAD-580009
PRESENTLY AT:
LIG 168, KHB COLONY
PRAJANAGAR GAMANAGATTI
HUBLI NAVANAGAR
DHARWAD – 580025.

4. SRI PATIL SHIVARAMAN
S/O Y.S. PATIL
AGED ABOUT 39 YEARS
PERMANENT ADDRESS:
SHANTHINAGAR
DEVADURGA (RURAL)
RAICHUR – 584111
PRESENTLY AT:
PLOT NO.45/A
TEACHERS COLONY
VINAYAK NAGAR, HINDALGA
BELGAUM – 591108.

5. DR. BASAVARAJ PUJAR
S/O BULLAPPA
AGED ABOUT 48 YEARS
PERMANENT ADDRESS:
TAVARAGONDI POST
HARAPANAHALLI TALUK
DAVANAGERE -583213
PRESENTLY AT:
243/4, 2ND FLOOR,
3RD MAIN ROAD
MAHALAKSHMIPURAM LAYOUT
BENGALURU – 560086.

...PETITIONERS

(BY SRI. VIVEK SUBBA REDDY, DR. COUNSEL A/W
SRI NAVEEN CHANDRASHEKAR, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH &
FAMILY WELFARE
#105, I FLOOR,

DR. AMBEDKAR VEEDHI
VIKASA SOUDHA
BENGALURU -560001.

2. KARNATAKA PUBLIC SERVICE COMMISSION
REP. BY ITS SECRETARY
UDYOGA SOUDHA
DEVRAJ URS ROAD
NEAR VIDHANA SOUDHA
BENGALURU – 560001.
3. SMT. CHAITRA G S/O KAALAPPA P
BEHIND VEERABADRESHWARA TEMPLE
NEAR OLD BUS STAND
HARAPANAHALLI
DAVANAGERE- 583131.
4. SRI JAFFAR SADIQ A
33, ATHITHI LAYOUR
NEAR LVS APARTMENTS
ANANDPURA, K.R. PURAM
BENGALURU- 560036.
5. SRI KARTHIK AITHAL P
2-56/A, GANESH PRASAD HOUSE
NEAR HIGH SCHOOL
KOKKADA, BELTHANGADY
DAKSHINA KANNADA-574198.
6. SRI MAHESH N S
DOOR NO.4298
FIRST MAIN ROAD
SUBRAMANYANAGAR
BENGALURU-566021.
7. SRI MANJUNATH
S/O RAVINDRANATH PATIL
H.NO.5-11-377,
JYOTI COLONY, K.E.B. ROAD,
BIDAR-585401.
8. SRI SUNIL KUMAR K
#8, 1ST MAIN, 16TH CORSS
MALAGALA MAIN ROAD

NAGARABHAVI IIND STAGE
BENGALURU-560091.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1
SRI MUHAMMED SHAMIL, ADV. FOR R2
R3 TO R8 SERVED AND UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO APPLICATION NOS.2653-2657/2026 BEFORE THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AND A) ISSUE A WRIT OF CERTIORARI TO QUASH THE ORDER DATED 27.05.2026 PASSED IN APPLICANT NOS.2653-2657/2026 BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-A) TO THE EXTENT THAT IT CONFINES THE INTERIM PRAYER SOUGHT FOR AND GRANT ALL CONSEQUENTIAL RELIEFS AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER ON **10.07.2026** COMING ON THIS DAY, **S.G.PANDIT J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Both the above writ petitions are directed against the interim order passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') and since grievance of the petitioners in both the writ petitions are relating to the same cause of action of publication of final select list and appointment of respondents therein as Drugs Inspector in the department

of Health and Family Welfare Services, both the appeals are taken up together, heard and disposed of by this common order.

2. In W.P.No.11651/2026, petitioners who are applicants before the Tribunal are before this Court questioning the interim order dated 27.03.2026 passed by the Tribunal in Application Nos.1987-1913/2026, whereunder their prayer to stay the impugned select list dated 22.01.2026 of the Drugs Inspector is rejected by observing that the select list would be subject to the final outcome of the applications.

3. In W.P.No.16176/2026, the petitioners who are also applicants in Application Nos.2653-2657/2026 are before this Court questioning the interim order dated 27.05.2026 refusing to grant stay of the select list dated 22.01.2026 of the Drugs Inspector with similar observation that final select list would be subject to the final outcome of the Applications.

4. Heard learned senior counsel Sri.P.S.Rajagopal for Sri.Jayant Dev Kumar for petitioners in W.P.No.11651/2026, learned senior counsel Sri.Vivek Subba Reddy for Sri.Naveen Chandrashekar for petitioners in W.P.No.16176/2026, learned Additional Government Advocate Sri.V.Shiva Reddy for respondent No.1 in both the writ petitions, learned counsel Sri.K.M.Prakash for respondent No.2 in W.P.No.11651/2026, learned counsel Sri.Muhammed Shamil for respondent No.2 in W.P.No.16176/2026, learned senior counsel Dr.Aditya Sondhi for Sri.Shahnawas Mamadapur and Sri.Alan Devaiah for respondent Nos.3, 4, 8 and 9, learned senior counsel Sri.G.S.Kannur for Ms.Indu.K.P., for respondent No.6, learned senior counsel Sri.B.V.Acharya for Sri.Shakeer Abbas.M., for respondent Nos.5, 7, 11, 12 and 14 in W.P.No.11651/2026. Perused the entire writ petition papers.

5. Though the matters are listed for orders on I.A., for vacating interim order, since hearing I.A would be as

good as hearing the main matter, both the writ petitions are taken up for final disposal.

6. The petitioners are before the Tribunal praying to quash select list dated 22.01.2026 of the Drug Inspectors in the department of Health and Family Welfare Services and for a mandamus to direct respondent No.2 – KPSC to select the petitioners/applicants by considering the marks obtained by them as per the select list dated 22.06.2021 pursuant to the recruitment notification dated 23.03.2018. Similar prayer is made by the petitioners in the other writ petition in their respective Applications before the Tribunal.

7. The petitioners had also sought for interim order of stay of the select list dated 22.01.2026 of Drug Inspectors. The Tribunal on hearing the learned counsel appearing for the parties, by impugned order dated 27.03.2026 which is the subject matter of W.P.No.11651/2026 and by order dated 27.05.2026 which is the subject matter of W.P.No.16176/2026 rejected the prayer to stay the select list

holding that no prima facie case is made out. However, observed that the selection of respondents is subject to the final outcome of the Applications.

8. Learned senior counsel Sri.P.S.Rajagopal would contend that without appreciating the contentions raised by the petitioners the Tribunal came to the conclusion that the petitioners have not made out prima facie case for grant of interim order. Learned senior counsel would submit that the petitioners had mainly contended that while considering the selection of the petitioners, the second respondent ought to have considered their original marks in the interview conducted in the year 2021 and that the final select list is published without publishing the provisional select list, which would have provided the petitioners an opportunity to file objections with regard to their selection or non-selection. Learned senior counsel would also point out that the petitioners had also pointed out other lacunas in the select list and submitted that those lacunas would go into the root of the matter. Learned senior counsel would submit that when the

Hon'ble Apex Court directed publication of the final select list, it would mean that the final select list shall be published by following the procedure and on the ground that the Hon'ble Apex Court has directed publication of final select list the respondents cannot publish the final select without following the prescribed procedure. Thus, he would submit that the petitioners have made out a prima facie case for grant of interim order.

9. Learned senior counsel referring to the order sheet of this Court, would submit that this Court on 15.04.2026 while ordering notice to learned Additional Government Advocate as well as learned counsel for KPSC, directed learned counsel for KPSC to get information as to whether KPSC published provisional select list before publishing the final select list of Drug Inspectors under notification dated 02.01.2026. Further, he submits that on 17.04.2026, this Court heard the writ petition and reserved for orders. Thereafter, I.A.No.2/2026 was filed by the petitioners praying this Court to stay the operation and implementation of orders of appointment dated

23.04.2026. When the matter was listed on 27.04.2026, this Court passed the following order:

"After hearing the learned senior counsel for the petitioners and learned Additional Government Advocate Sri.B.Ravindranath for respondent No.1, the matter was reserved for orders on 17.04.2026.

Subsequent to reserving the matter, learned counsel for the petitioner Sri.Jayant Dev Kumar moved the matter stating that I.A.No.2 for stay has been filed, since during the interregnum, the respondent-State has issued orders of appointment dated 23.04.2026. On the said application, the matter was directed to be listed today before the Court. Since, the matter is being listed to consider the said I.A, we consider it appropriate to recall the order dated 17.04.2026 reserving the matter.

On 17.04.2026, learned senior counsel Sri.P.S.Rajagopal for Sri.Jayanth Dev Kumar, learned counsel for the petitioner as well as learned AGA Sri.B.Ravindranath were heard and the matter was reserved for orders.

When a query is put to learned AGA as to whether he had communicated the respondent-State regarding the matter being reserved, he stated that reserving of the matter is not communicated to the respondent-State.

Be that as it may, today, learned Advocate General Sri.Shashikiran Shetty appears and submits that when the matter is heard and reserved for orders, the matter could not have been proceeded further. Further he submits that orders of appointment issued insofar as respondents No.3 to 14 would be kept in abeyance till orders are passed by this Court.

Submission of the learned Advocate General is placed on record.

Sri.K.Srinivas, IAS., Commissioner for Food Safety and Drug Administration is present before the Court. In his presence, learned Advocate General made the above submission.

Issue emergent notice to respondents No.3 to 14.

Learned counsel for the petitioners is also permitted to take out hand summons on respondents No.3 to 14.

The matter is released from part-heard.

List on 03.06.2026. "

On 27.04.2026, when this Court questioned as to what was the urgency for the State to issue appointment order,

when the matter was heard and reserved for orders, learned Advocate General Sri.Shashikiran Shetty for State undertook that appointment order insofar as respondent Nos.3 to 14 would be kept in abeyance till orders are passed by this Court. Recording such submission, this Court issued notice to respondent Nos.3 to 14. On appearance of respondent Nos.3 to 14, I.A.No.3/2026 is filed praying to vacate the stay granted before this Court.

10. Learned senior counsel Sri.B.V.Acharya, learned senior counsel Dr.Adithya Sondhi and learned senior counsel Sri.G.S.Kannur for respondents would submit that the petitioners have suppressed the material facts and without disclosing the true facts, made this Court to pass interim order on 27.04.2026. Learned senior counsel would submit that the main contention of the respondents is with regard to non-taking their earlier interview marks and that the final select list dated 22.01.2026 is without publishing the provisional select list. Raising the same ground, the petitioners had filed an application before the Hon'ble Apex Court seeking clarification and the said

application came to be dismissed by order dated 16.02.2026. Subsequent to dismissal of the said application, again the petitioners approached the Tribunal as well as this Court. Therefore, it is submitted that the petitioners who have come before the Court by suppressing the material facts would not be entitled for any relief.

11. Learned senior counsels would further submit that the Hon'ble Apex Court in Civil Appeal Nos.1725-1731 of 2023, directed the KPSC to redraw the selection list of all those candidates who possess the qualification as directed in the order and prepare the final select list following Rule 49 of the Drugs Rules. It is also submitted that, since the select list is published in pursuance to the direction of the Hon'ble Apex Court in the facts and circumstance it would not be necessary to publish provisional select list. Further, learned senior counsels would submit that the final select list was placed before the Hon'ble Apex Court in a sealed cover and taking note of the fact of publishing final select list, the application for

clarification is dismissed. In the above circumstances, learned senior counsels would submit that the interim order passed on 27.04.2026 needs to be vacated, leaving open all the contentions of the parties with a direction to the Tribunal to dispose of the main application.

12. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the following points would arise for our consideration:

- a) *Whether the undertaking of the State to keep in abeyance the appointment order needs to be continued?*
- b) *Whether the Tribunal is justified in refusing to stay the final select list of Drugs Inspectors while making an observation that the final select list would be subject to the outcome of the Applications?*

13. The answer to the above points would be in the negative and affirmative, respectively. Both the points are taken up together and answered as follows:

The selection process to the Drugs Inspector has a checkered history. However, a discussion on earlier proceedings may not be necessary at this stage to decide the interim order passed by the Tribunal.

14. The Hon'ble Apex Court was considering the SLPs/Civil Appeals of the State of Karnataka and State of Haryana together, wherein the question was with regard to experience qualification for the post of Drugs Inspector. In Civil Appeal Nos.1725-1731/2023, the Hon'ble Apex Court by order dated 13.02.2026, directed the Public Service Commission of the respective States to complete process of selection by taking qualification as prescribed in Drugs Rules as essential, ignoring the requirement of experience as prescribed in terms of State Rules. Further, the Hon'ble Apex Court directed the KPSC to prepare the final select list following Rule 49 of the Drugs Rules. Accordingly the 2nd respondent KPSC published final select list on 22.01.2026. Thereafter, on 16.02.2026, the petitioners herein filed IA for clarification, making out several grounds including the grounds that the petitioners'

original marks ought to have been taken into consideration for selection and also that no provisional select list was published before publishing the final select list. However, the Hon'ble Apex Court after hearing the learned counsel appearing for the parties, with an observation that no reason to entertain the miscellaneous applications have been made out, dismissed the same. It is also noticed that the final select list was placed before the Hon'ble Apex Court in a sealed cover as indicated in the final select list dated 22.01.2026. Urging identical grounds raised in the IA for clarification, the petitioners approached the Tribunal in the above stated Applications, wherein the interim prayer to stay the select list was refused with an observation that the selection would be subject to the final outcome of the Applications.

15. This Bench by order dated 15.04.2026 had directed learned counsel for KPSC to obtain instructions as to whether the provisional list was published before final selection list was published. On instructions, learned counsel Sri.K.M.Prakash submitted that no provisional

select list was published. However, it was the contention of the learned counsel for KPSC and learned senior counsels appearing for the respondents that in the facts and circumstances of the present case and in view of the direction of the Hon'ble Apex Court to publish the final select list, there was no necessity to publish the provisional select list.

16. Be that as it may. When the petitioners filed miscellaneous applications before the Hon'ble Apex Court taking the ground that earlier marks ought to have been taken into consideration while considering their case for selection and that no provisional select list is published before publishing the final select list and when the Hon'ble Apex Court has dismissed the said miscellaneous applications for clarification in limine, we are of the considered opinion that the petitioners have not made out prima case for grant of interim prayer. However, it is for the Tribunal to consider at the time of final disposal whether it was necessary for the selecting authority in law

to publish provisional select list before publishing the final select list.

17. Moreover, to grant or not to grant interim order is discretion of the Tribunal/Court and that discretion to be exercised depending on the facts and circumstances of each case. In the instant case, the Tribunal on consideration of the material on record has rightly observed that the selection would be subject to final outcome, which needs no interference. No case is made out to interfere with the interim order passed by the Tribunal. Accordingly, the writ petitions stand ***dismissed***.

Sd/-
(S.G.PANDIT)
JUDGE

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

NC
CT:bms