



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 4TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
WRIT PETITION NO. 19068 OF 2021 (GM-RES)

BETWEEN:

SMT. BHAGYAMMA
W/O VENKATESHRAO,
AGED ABOUT 51 YEARS,
R/A BISILE VILLAGE,
AMURTHURU HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 130.

...PETITIONER

(BY SRI KASHINATH J D., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
AND THE CHAIRMAN,
DISTRICT LEVEL CASTE
VERIFICATION COMMITTEE,
OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT,
TUMKUR TOWN - 572 101.
2. THE ADDITIONAL DIRECTOR
GENERAL OF POLICE
DIRECTORATE OF CIVIL RIGHTS
ENFORCEMENT CELL, PALACE ROAD,
TECHNICAL EDUCATION BUILDING,
BANGALORE - 560 001.
3. M G NAGARAJU,
POLICE INSEPECTOR,
DIRECTORATE OF CIVIL
RIGHTS ENFORCEMENT,

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



TUMKUR UNIT, 4TH CROSS,
N.MALLAPPA ROAD, SIRA GATE,
TUMKUR TOWN - 572 101.

4. POLICE INSPECTOR
KUNIGAL POLICE STATION,
KUNIGAL TOWN,
TUMKUR DISTRICT - 572 130.
5. THE TAHSILDAR
KUNIGAL TALUK,
KUNIGAL,
TUMKUR DISTRICT - 572 130.

...RESPONDENTS

(BY SRI C. JAGADISH, SPECIAL GOVERNMENT ADVOCATE)

THIS W.P. IS FILED UNDER THE ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS PERTAINS IMPUGNED PROCEEDINGS/ORDER DTD 19.07.2018 PASSED BY THE R-1 COMMITTEE VIDE ANNEX-A. QUASH THE IMPUGNED PROCEEDINGS/ORDER DTD 19.07.2018 PASSED BY THE R-1 COMMITTEE VIDE ANNEX-A AS ILLEGAL AND WITHOUT JURISDICTION. CONSEQUENTLY QUASH THE REGISTRATION OF FIR REGISTERED IN CRIME NO.253/2021 REGISTERED BY THE R-4 POLICE ON THE COMPLAINT OF THE R-3 FOR THE OFFENCE PUNISHABLE UNDER SECTION 196, 199, 420 OF IPC PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, KUNIGAL VIDE ANNEX-B AS ILLEGAL AND ABUSE OF PROCESS OF LAW.



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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

This writ petition is filed seeking for following reliefs-

*"1. Call for records pertains impugned proceedings/order dated:19-07-2018 vide bearing No. SakaE: SuJa: CR: 02/2017-18 passed by the Respondent no.1 committee as per **Annexure-A**.*

*ii. Issue writ in the nature of certiorari to quash the impugned proceedings/order dated:19-07-2018 vide bearing No.SakaE:SuJa:CR:02/2017-18 passed by the Respondent no.1 committee as per **Annexure-A** as illegal and without jurisdiction.*

*iii. Consequently issue writ in the nature of certiorari to quash the registration of FIR registered in Crime No.253/2021 registered by the respondent No-4 police on the complaint of the respondent No-3 for the offence punishable under section 196,199, 420 of IPC pending on the file of the Senior Civil Judge & JMFC, Kunigal as per **Annexure-B** as illegal and abuse of process of law.*

iv. Pass any appropriate order or direction or writ or any other order deems fit to the facts and circumstances of the above case and to meet the interest of justice."



2. Sri K Jagadish, learned counsel for petitioner submitted that petitioner had contested for election to membership of Markonahalli Village Panchayat, Kunigal taluk in year 2015. For said purpose she had obtained caste certificate from respondent no.5 - Tahsildar on 19.05.2015 that petitioner belongs to 'Maratha ST' community. Petitioner succeeded in election. Suspecting that caste certificate obtained by petitioner suffered from irregularity/illegality, Superintendent of Police, Directorate of Civil Rights Enforcement **(DCRE)** addressed complaint to District Caste and Income Verification Committee, Tumakuru, which initiated proceedings concluding in order impugned at Annexure-A dated 19.07.2018. In pursuance of order at Annexure-A and on a complaint by Thammanna, complaint at Annexure-B in Crime no.253/2021 was registered. Challenging said proceedings this writ petition is filed.

3. It was submitted that respondent no.5 - Tahsildar had also passed order no.PCR/CR:02/2015-16 on 10.09.2015 cancelling caste certificate dated 19.05.2015. Challenging same, petitioner had filed WP no.43326/2015 before this Court. It was submitted main contention against impugned proceedings was that caste certificate having been obtained for



purpose of election and not either for purpose of employment or for education purposes, authorities under provisions of Karnataka Scheduled Castes, Schedule Tribes and other Backward Classes (Reservation of Appointment, etc.,) Act, 1990 **(Act)** and Rules thereunder would not apply and therefore impugned orders were required to be set at naught.

4. Learned counsel would however submit that since in WP no.43326/2015, this Court had while setting aside order passed by Tahsildar kept it open for Deputy Commissioner (DCVC) to hold enquiry under Section 4(F) of Act insofar as validity of caste certificate and said order has been accepted by petitioner and petitioner would be satisfied if similar order is passed in present petition also while setting aside impugned order. It was submitted order at Annexure-A was without issuing notice to petitioner and require to be quashed on said ground.

5. Sri C Jagadish, learned counsel for respondents opposed petition and sought to rely on decision of Hon'ble Supreme Court in **Bharati Reddy v. State of Karnataka and others** reported in **(2018) 6 SCC 162** to contend that Hon'ble



Supreme Court had relegated issue of deciding validity of caste certificate issued for purpose of election to Caste & Verification Committee, and since petitioner was contending that order at Annexure-A was passed without issuing notice, matter may be remanded.

6. Heard learned counsel and perused impugned orders as well as material on record.

7. From above, question that requires consideration is,

" Whether initiation of criminal prosecution as per Annexure 'B' in pursuance of order at Annexure 'A' would be justified? ".

8. At outset, it is apparent from Annexure-A that it was passed without issuing notice to petitioner. Further this Court in WP no.43326/2015 in a writ petition filed by very same petitioner challenging order of Tahsildar cancelling caste certificate in question, kept it open to Deputy Commissioner (DCVC) to decide legality of Case Certificate obtained by petitioner. Thus, as order at Annexure-A impugned herein is passed without complying with principles of natural justice continuation of proceedings would amount to abuse of process of law and require to be quashed to meet ends of justice.



9. In view of above, writ petition is ***allowed***, impugned orders at Annexures-A and B stand quashed but keeping it open to Deputy Commissioner, i.e., DCVC to hold enquiry about validity of caste certificate dated 19.05.2015 whether petitioner belongs to Maratha ST community by affording adequate opportunity to petitioner under Section 4(F) of Act.

10. All contentions of both parties are kept open.

11. It would be appropriate for DCVC to issue notice and afford opportunity to complainant as well.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 50