



CNR: KAHC010496252024

NC: 2026:KHC:44748-DB
WP No. 23248 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 23248 OF 2024 (S-KSAT)

BETWEEN:

MR. RAFEEQ K. A.,
S/O LATE MR. K.K. AHAMED,
AGED ABOUT 42 YEARS,
DETECTIVE SUB-INSPECTOR
CRIME INVESTIGATION DEPARTMENT
SPECIAL CELLS AND ECONOMIC OFFENCES
WING, NO.1, CARLTON HOUSE,
PALACE ROAD,
BENGALURU - 560 001.

R/A NO.616, VIJAYA BANK LAYOUT,
MULKI SUNDAR RAM SHETTY NAGAR,
8TH B MAIN, B.G. ROAD,
BENGALURU - 560 076.

...PETITIONER

(BY SRI. PANDURANGA NAYAK, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
HOME DEPARTMENT (POLICE),
VIDHANA SOUDHA,
AMBEDKAR VEEDHI,
BENGALURU - 560 001.

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010496252024

REP. BY ITS PRINCIPAL SECRETARY

2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
3. THE DIRECTOR GENERAL OF POLICE,
CID, SPECIAL CELLS AND
ECONOMIC OFFENSES
WING NO.1, CARLTON HOUSE,
PALACE ROAD
BENGALURU -560 001.

...RESPONDENTS

(BY SRI. K. R. RAJENDRA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF MANDAMUS OR ANY OTHER WRIT DIRECTING THE RESPONDENTS Nos. 2 AND 3 TO PROMOTE THIS PETITIONER FOR THE POST OF THE DETECTIVE POLICE INSPECTOR, CID, BENGALURU, AS PER THE ORDER No. HRM/01/9/43/2022-23, OB No.183/2024 DATED 11.03.2024 PASSED BY THE DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE, KARNATAKA, BENGALURU (RECONDENT No.2) (ANNEXURE-F) AS SPECIAL CASE AND ETC.,

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



CNR: KAHC010496252024

**NC: 2026:KHC:44748-DB
WP No. 23248 of 2024**

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

ORAL ORDER

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

This writ petition is filed by the applicant who was before the Karnataka State Administrative Tribunal in Application No.2938/2023, being aggrieved of a portion of the directions issued by the Karnataka State Administrative Tribunal (hereinafter referred to as 'the Tribunal' for short).

2. The petitioner as an ex-serviceman, participated in the recruitment process for selection to the post of Detective Sub-Inspector. A provisional select list was issued on 18.12.2017. The name of the petitioner figured at Sl.No.10 in the list of 10 selected candidates. However, in the final select list which was issued on 04.07.2018, the name of the applicant who was at Sl.No.10 was withheld on the ground that certain clarification is still pending



CNR: KAHC010496252024

consideration regarding the genuineness of the Certificate issued by the Registrar of Examinations at Karnataka State Open University. Finally, appointment order was issued in favour of the petitioner on 18.01.2021 and the petitioner reported for duty on 27.01.2021.

3. The grievance of the petitioner thereafter was in respect of the fixation of seniority. The request of the petitioner came to be rejected in terms of endorsement/ order dated 22.06.2023. The petitioner filed an application before the Tribunal seeking to quash the communication bearing dated 3.4/5.2023 insofar as it related to issuing directions to respondent No.3 to consider the minimum service rendered by the petitioner in the cadre of Detective Sub-Inspector; to quash the endorsement dated 22.06.2023 insofar as it relates to fixing of seniority of the applicant and further the petitioner sought for directions to assign appropriate ranking to the petitioner as per Rule 5 (1)(a) of the Karnataka Government Servants' (Seniority)



CNR: KAHC010496252024

**NC: 2026:KHC:44748-DB
WP No. 23248 of 2024**

Rules, 1957 and with reference to the final select list dated 04.07.2018 etc.

4. Learned counsel for the petitioner submits that although the Tribunal accepted the contention of the petitioner that since the results in the final select list was delayed not on account of any fault on the part of the petitioner herein, therefore the petitioner is entitled to have the seniority fixed in terms of Rule 5 (1) (a) of the Rules and not in terms of Sub-Rule (2) of Rule 5, however, learned counsel submits that while issuing directions, the Tribunal has directed at Sl.Nos.3 and 4 as follows:

3. Since the applicant rendered service only from 27-01-2021, he shall be entitled to financial benefits of service only 27-01-2021. His date of eligibility in the seniority list in the cadre of Detective sub-inspector shall be with regard to his inter-se position in the select list of 4-07-2018. The date of eligibility only enables his being considered for promotion, which is a right, in his turn with regard to the position in the seniority list. However, promotion depends on other factors such as fulfilling the eligibility conditions of the promotion post with regard to minimum service in the feeder cadre etc. There is no



CNR: KAHC010496252024

absolute right to promotion but only right to be considered for promotion. Therefore, while the applicant will be entitled to be considered in his turn in the seniority list as directed in this order, for promotion the applicant needs to be fulfill eligibility conditions for promotion such as minimum service rendered in the feeder cadre that will count only from 27-01-2021 since there can be no service rendered in the cadre prior to the date of appointment itself.

4. However, it is clarified that if the applicant's juniors are promoted ahead of the applicant only for the reason that the applicant did not fulfill the minimum service in the feeder cadre attributable solely to the delayed selection and appointment, (that we have held that is not on account of any fault of the applicant or based on any court order or review of select list), then he shall be entitled to regain his seniority in the promotion cadre vis-a-vis his junior in the seniority list in the feeder cadre who had been promoted earlier to him only for the aforesaid reason with regard to the 'Catch up rule' propounded by the Hon'ble Supreme Court in the case of Ajit Singh Januja and others vs State of Punjab and others reported in 1996 AIR 1189, JT 1996 (2) 727.

5. Learned counsel submits that during the course of the proceedings before the Tribunal and before this Court, promotions have been given to the subsequent batch or



the persons appointed subsequent to the petitioner and in this regard, representation was given by the petitioner to the respondents and now the respondents have passed an order on 10.02.2026 promoting the petitioner to the post of Detective Police Inspector. However, learned counsel submits that promotions were given to the juniors of the petitioner on 09.12.2024 as found in Annexure 'N' filed along with I.A. No.1/2025 and in terms of the directions issued by the Tribunal, the petitioner should be placed above Sl.No.1 in Annexure 'N'.

6. Learned AGA, however, submits that appropriate directions have already been issued by the Tribunal and therefore, there is no need for this Court to issue fresh directions.

7. Having heard the learned counsel for petitioner, learned AGA and on perusing the petition papers, this Court finds that the Karnataka State Administrative



CNR: KAHC010496252024

Tribunal has already issued appropriate directions, including direction at No.4 which makes it clear that if the petitioner's juniors are promoted ahead of the petitioner for the reason that the petitioner did not fulfill the minimum service in the feeder cadre, then the petitioner shall be entitled to regain his seniority in the promotion cadre vis-à-vis his juniors in the seniority list in the feeder cadre, who have been promoted earlier to the petitioner, having regard to 'catch up rule' propounded by the Hon'ble Supreme Court in the case of ***Ajit Singh Januja and Others Vs. State of Punjab and Others (1996 AIR SC 1189)***.

8. In that view of the matter, we dispose of the petition, reserving liberty to the petitioner to give a representation to the respondents to re-fix the seniority after the promotion to enable the petitioner to regain his seniority, in terms of the directions issued by the Tribunal. If such a representation is given by the petitioner, the



CNR: KAHC010496252024

**NC: 2026:KHC:44748-DB
WP No. 23248 of 2024**

respondents shall consider the same and pass necessary orders having regard to the directions already issued by the Tribunal.

Ordered accordingly.

Pending I.As., if any, stands disposed of.

**Sd/-
(R DEVDAS)
JUDGE**

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

JT/-
CT:PH