



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 27318 OF 2024 (S-RES)

BETWEEN:

SRI AJITHA KUMAR
AGED ABOUT 35 YEARS
S/O SUBRAYA ACHARI
R/AT HOUSE NO.1/3, 28
HALADY POST, KUNDAPURA TALUK
UDUPI DISTRICT-576 222.

...PETITIONER

(BY SRI. BOLA VEDVYAS SHENOY., ADVOCATE)

AND:

1. STATE OF KARNATAKA
VIDHANA SOUDHA
AMBEDKAR VEEDHI
BANGALORE 560 001
REP. BY ITS CHIEF SECRETARY.
2. THE KARNATAKA LEGISLATIVE ASSEMBLY
SECRETARIAT, VIDHANA SOUDHA
POST BOX NO.5074
AMBEDKAR VEEDHI
BANGALORE-560 001
REP. BY ITS PRINCIPAL SECRETARY.
3. THE KARNATAKA EXAMINATION AUTHORITY
18TH CROSS SAMPIGE ROAD
MALLESHWARAM
BANGALORE-560012.
REPT. BY ADMINISTRATIVE OFFICER.

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



4. MS. HARSHITHA H.R.
AGED MAJOR
D/O RAMACHANDRAPPA P
OPP. SBI, TAVAREKERE
CHANNAGIRI TALUK
DAVANAGERE DISTRICT PIN-577 2131.
5. SRI. HAJARESAB YALIGAR
AGED MAJOR
S/O SHARIFSAB
GUDENAKATTI, KUNDGOL TALUK
DHARWAD DISTRICT - 581 113.
6. SRI. GURURAJ A
AGED MAJOR
S/O ADIRAJU A.S.
SRI. VEERABADRESHWARA NILAYA
1ST CROSS, HOYSALA BEEDI
NEHRUNAGAR, BELUR-573 115
HASSAN DISTRICT.
7. MS. ANNAPOORNA BADIGERA,
D/O LINGAPPA
R/AT 1ST FLOOR, POWER BUILDING
CHAROOS GALLI, OPP. OLD APMC
SAVADATTI ROAD, DHARWAD-580 001.

...RESPONDENTS

(BY SRI.REUBEN JACOB, AAG. ALONG WITH
SRI. G RAMESH NAIK, AGA FOR R1 & R2:
SRI RAVINDRANATH K, ADVOCATE FOR R7:
R3 TO R6 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE LIST
OF SELECTED CANDIDATES FOR THE POST OF COMPUTER
OPERATORS BY THE R-2 PUBLISHED IN THEIR OFFICIAL
WEBSITE TO THE EXTENT OF THE POST OF COMPUTER
OPERATOR VIDE ANNEXURE-H 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 H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Article 226 of the Constitution of India, challenging the final select list published by the second respondent vide Annexure-H, insofar as it relates to the post of Computer Operator.

2. The brief facts of the case are that the second respondent invited applications for appointment to various posts in the Karnataka Legislative Assembly Secretariat for the year 2022, by notification dated 26.04.2022, vide Annexure-A. The petitioner applied for the post of Computer Operator under Category 2A (Rural). Thereafter, vide Annexure-E dated 15.02.2023, a provisional merit list of candidates was published. One Smt.Harshitha H.R., who claimed under Category 2A, secured 58.75 marks. The petitioner, who claimed under Category 2A (Rural), secured 57.75 marks.

3. Out of four posts of Computer Operator, two were backlog vacancies and two were reserved vacancies.



Under the backlog vacancies, one post was reserved for Category 2B (General) and one for Category 2A (Women). In respect of the two reserved vacancies, one post was reserved for General (Ex-servicemen) and one for Category 2A (Rural). Thereafter, the impugned final selection list was published on 17.04.2023, wherein the petitioner's name was not reflected. The writ petition was filed on 03.10.2024 challenging the said list.

4. The learned counsel appearing for the petitioner raised the following contentions:

(i) Firstly, the final selection list was not made known to the public. Therefore, the petitioner was not aware of it. Immediately upon gaining knowledge of the same, he filed the present writ petition.

(ii) Secondly, Smt. Harshitha H.R., who claimed under Category 2A, ought to have been considered under Category 2A (Women) instead of Category 2A (Rural). Even though the petitioner scored higher marks within the



2A (Rural) category, he was not appointed. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court in **RAJESH KUMAR DARIA V. RAJASTHAN PUBLIC SERVICE COMMISSION AND OTHERS**, reported in **(2007) 8 SCC 785**. Hence, he sought to allow the writ petition.

5. Per contra, the learned Additional Advocate General appearing for the State raised the following contentions:

(i) Firstly, the final selection list was published on 17.04.2023, whereas the writ petition was filed on 03.10.2024. There is considerable delay in filing the writ petition. In the meantime, appointment orders have been issued to all successful candidates. The appointment orders issued to respondent Nos. 4 and 7 have not been challenged before this Court.

(ii) Secondly, insofar as filling up of posts under horizontal reservation is concerned, there are no rigid



rules. Under Category 2A (Rural), no candidate who secured fewer marks than the petitioner has been appointed. Smt.Harshitha H.R., who has been appointed, secured more marks than the petitioner in the written examination. Therefore, the petitioner cannot have any grievance.

(iii) Thirdly, the judgment relied upon by the petitioner in **RAJESH KUMAR DARIA (supra)** is not applicable to the facts of the present case. Hence, he sought dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the writ petition papers.

7. The second respondent invited applications for recruitment to various posts in the Karnataka Legislative Assembly Secretariat as per notification dated 26.04.2022. Insofar as the post of Computer Operator is concerned, four posts were notified. The relevant portion of the notification is extracted below:



“2. ಹುದ್ದೆಯ ಹೆಸರು: ಕಂಪ್ಯೂಟರ್ ಅಪರೇಟರ್

ಹುದ್ದೆಗಳ ಸಂಖ್ಯೆ: 04 ಹುದ್ದೆಗಳು

ವೇತನ ಶ್ರೇಣಿ: ರೂ 30350-750-32600-850-36000-950-39800-1100-
46400-1250-53900-1450-58250

ಮೀಸಲಾತಿ ವರ್ಗೀಕರಣ: ಬ್ಯಾಕ್‌ಲಾಗ್-02 ಹುದ್ದೆಗಳು

ಕ್ರ ಸಂ	ಮೀಸಲಾತಿ	ಸಾಮಾನ್ಯ ಅಭ್ಯರ್ಥಿ	ಮಹಿಳಾ ಅಭ್ಯರ್ಥಿ	ಮಾಜಿ ಸೈನಿಕ	ಗ್ರಾಮೀಣ ಅಭ್ಯರ್ಥಿ	ಅಂಗವಿಕಲ ಅಭ್ಯರ್ಥಿ	ಕನ್ನಡ ಮಾಧ್ಯಮದಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡಿದ ಅಭ್ಯರ್ಥಿ	ಖಾಲಿ ಇರುವ ಹುದ್ದೆಗಳ ಸಂಖ್ಯೆ
1	IIಬಿ	01	--	--	--	--	--	01
2	IIಎ	--	01	--	--	--	--	01

ಮೀಸಲಾತಿ ವರ್ಗೀಕರಣ: 02 ಹುದ್ದೆಗಳು

ಕ್ರ ಸಂ	ಮೀಸಲಾತಿ	ಸಾಮಾನ್ಯ ಅಭ್ಯರ್ಥಿ	ಮಹಿಳಾ ಅಭ್ಯರ್ಥಿ	ಮಾಜಿ ಸೈನಿಕ	ಗ್ರಾಮೀಣ ಅಭ್ಯರ್ಥಿ	ಅಂಗವಿಕಲ ಅಭ್ಯರ್ಥಿ	ಕನ್ನಡ ಮಾಧ್ಯಮದಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡಿದ ಅಭ್ಯರ್ಥಿ	ಖಾಲಿ ಇರುವ ಹುದ್ದೆಗಳ ಸಂಖ್ಯೆ
1	ಸಾಮಾನ್ಯ	--	--	01	--	--	--	01
2	IIಎ	--	--	--	01	--	--	01

8. The petitioner had applied to the post of Computer Operator under Category 2A (Rural). In the provisional selection list, he stood second. The final selection list was published on 17.04.2023 on the department's website. The



petitioner filed the present writ petition on 03.10.2024, nearly one and a half years after the publication of the final list.

9. In the meantime, appointment orders were issued in favour of respondent Nos. 4 and 7, and they are presently working as Computer Operators in the establishment of the second respondent. In the writ petition, no explanation has been provided for the delay in approaching this Court.

10. This Court, in similar circumstances, in W.P. No. 5431/2025 disposed of on 25.02.2025, upon considering the judgment of the Apex Court, dismissed the writ petition on the ground that in matters of recruitment, even the shortest delay disentitles a petitioner from seeking any relief under Article 226 of the Constitution of India. The relevant paragraph is extracted below:

"5. The petitioner was an aspirant of Junior Assistant in pursuant to Notification dated 26.04.2022. The provisional selection list of the



said post was published on 15.02.2023 and thereafter, appointment has taken place. The petitioner is before this Court nearly two years thereafter. The Hon'ble Apex Court in the case of **P.S.Sadasivaswamy vs. State of Tamil Nadu** reported in **(1975) 1 SCC 152** has held that the shortest delay also would disentitle the petitioner to relief in service matters under Article 226 of the Constitution of India. Relevant paragraph reads as follows:

".....

A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion: It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impeded the work of the Court in considering legitimate grievances as also its normal work. We consider that the High court was right in dismissing the appellant's petition as well as the appeal."



11. In similar circumstances, this Court, in W.P.No. 34565/2024, vide order dated 09.01.2025 dismissed the writ petition in respect of the very same notification. On the ground of delay alone, the present writ petition is liable to be dismissed.

12. Even on merits, insofar as filling up posts under horizontal reservation is concerned, there is no hard and fast rule. In the present case, the petitioner applied for the post of Computer Operator under Category 2A (Rural). The candidate who has been appointed under the said category secured 58.75 marks, whereas the petitioner secured 57.75 marks. Since no candidate who secured lesser marks than the petitioner has been appointed under that category, the petitioner cannot have any grievance. Further, the judgment relied upon by the petitioner is not applicable to the facts of the present case.

13. Hence, the writ petition deserves to be dismissed. Accordingly, it is dismissed.



In view of the dismissal of the petition, all pending applications, if any, stand disposed of.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 44