



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ASHOK S.KINAGI**

**WRIT PETITION NO. 30264 OF 2025 (S-RES)**

**C/W**

**WRIT PETITION NO. 30277 OF 2025 (S-RES)**

**IN WP No. 30264/2025**

**BETWEEN:**

SHIVAKUMAR  
S/O NAGAPPA,  
AGED ABOUT 31 YEARS,  
C/O MOHAN GAS SERVICE  
JALAHALLI, NEXT TO IOC PETROL PUMP,  
NEAR BEL CIRCLE,  
BANGALORE-560013

...PETITIONER

(BY SRI. SHIVAKUMAR - PETITIONER)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA,  
BENGALURU-560 001

Digitally  
signed by  
SHILPABAI S  
Location:  
HIGH COURT  
OF  
KARNATAKA



**NC: 2026:KHC:29854**  
**WP No. 30264 of 2025**  
**C/W WP No. 30277 of 2025**

2. KARNATAKA LEGISLATIVE ASSEMBLY  
SECRETARIAT  
THROUGH ITS SECRETARY,  
P.B.NO.5074, VIDHANA SOUDHA,  
BENGALURU-560 001
3. BHIMESH G. K.  
S/O GUNDAPPA,  
AGED MAJOR, WORKING AS DRIVER(371J QUOTA)  
C/O KARNATAKA LEGISLATIVE ASSEMBLY  
SECRETARIAT,  
VIDHANA SOUDHA,  
BENGALURU-560 001

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 TO R2

SRI. SHATHABISH SHIVANNA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
A) ISSUE A WRIT OF QUO-WARRANTO TO RESPONDENT NO.3 TO SHOW CAUSE UNDER WHAT AUTHORITY HE IS FUNCTIONING AS DRIVER WITH THE RESPONDENT NO.2.  
B) ISSUE A WRIT OF CERTIORARI QUASHING THE APPOINTMENT OF RESPONDENT NO.3 TO THE POST OF DRIVER IN GM CATEGORY UNDER 371J RESERVATION PURSUANT TO NOTIFICATION BEARING NO. KA VI SA SA/ A-1/11/VA CHA NE NE/2023 DATED 05-08-2023 (ANNEXURE-B) ISSUED BY RESPONDENT No.2. C) ISSUE A WRIT OF CERTIORARI QUASHING THE LIST TO THE POST OF DRIVER DATED 06.02.2024 (ANNEXURE-D) D) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO APPOINT THE PETITIONER TO THE POST OF DRIVER IN PURSUANCE OF NOTIFICATION BEARING NO. KA VI SA SA/ A-1/11/VA CHA NE NE/2023 DATED 05-08-2023 (ANNEXURE-B) IN GM CATEGORY UNDER 371 J RESERVATION.



**IN WP NO. 30277/2025**

**BETWEEN:**

SURESH  
AGED ABOUT 32 YEARS,  
S/O HANUMANTH,  
RESIDING AT 16<sup>TH</sup> CROSS,  
S.R. NAGAR, KALYANI APARTMENT NO. 5,  
BANGALORE

...PETITIONER

(BY SRI. SURESH - PETITIONER)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA,  
BENGALURU-560 001
2. KARNATAKA LEGISLATIVE ASSEMBLY SECRETARIAT  
THROUGH ITS SECRETARY,  
P.B.NO. 5074, VIDHANA SOUDHA,  
BENGALURU-560 001
3. SUNIL,  
S/O PRABHU  
AGED MAJOR,  
WORKING AS DRIVER (371J QUOTA)  
C/O KARNATAKA LEGISLATIVE ASSEMBLY  
SECRETARIAT,  
VIDHANA SOUDHA,  
BENGALURU-560 001

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 & R2  
MISS LEELA P DEVADIGA, ADVOCATE FOR R3)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF QUO WARRANTO TO RESPONDENT NO 3 TO SHOW CAUSE UNDER WHAT AUTHORITY HE IS FUNCTIONING AS DRIVER WITH THE RESPONDENT NO 2 BY ISSUE A WRIT OF CERTIORARI QUASHING THE APPOINTMENT OF RESPONDENT NO 3 TO THE POST OF DRIVER PURSUANT TO NOTIFICATION BEARING NO. KA VI SA SA/ A-1/11/VA CHA NE NE/2023 DATED 05-08-2023 (ANNEXURE-B) C) ISSUE A WRIT OF CERTIORARI QUASHING THE LIST TO THE POST OF DRIVER DATED 06.02.2024 (ANNEXURE-D) D) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO APPOINT THE PETITIONER TO THE POST OF DRIVER IN PURSUANCE OF NOTIFICATION BEARING NO. KA VI SA SA/ A-1/11/VA CHA NE NE/2023 DATED 05-08-2023 (ANNEXURE-B) IN SC CATEGORY UNDER 371 J RESERVATION.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

**ORAL ORDER**

The petitioners have filed these writ petitions seeking the following reliefs:

- (a) Issue a writ of quo-warranto to respondent No.3 to show cause under what authority he is functioning as driver with the respondent No.2.*
- (b) Issue a writ of certiorari quashing the appointment of respondent No.3 to the post of driver in GM*



*category under 371J reservation pursuant to notification bearing No.Ka Vi Sa Sa/A-1/11/Va Cha Ne Ne/2023 dated 05.08.2023 (Annexure-B) issued by respondent No.2;*

*(c) Issue a writ of certiorari quashing the list to the post of driver dated 06.02.2024 (Annexure-D) issued by respondent No.2;*

*(d) Issue a writ of mandamus directing the respondent No.2 to appoint the petitioners to the post of driver in pursuance of notification bearing No.Ka Vi Sa Sa/A-1/11/Va Cha Ne Ne/2023 dated 05.08.2023 (Annexure-B) in GM category under 371 J reservation;*

*(e) Pass any other orders as deemed fit by this Hon'ble Court.*

2. Brief facts, leading rise to the filing of these writ petitions are as follows:

Respondent No.2 issued a notification inviting an application to various posts including for the post of drivers for Hyderabad Karnataka Region on 26.04.2022. Respondent No.2 released another notification inviting application for filling up post of drivers in the Hyderabad



Karnataka Region. Respondent No.2 releases the marks list and appoints respondent No.3 without following proper procedure. Respondent No.3 has failed the driving test but still appointed. It is contended that the petitioners are kept completely in the dark. Respondent No.3 does not possess the SC certificate or a valid 371J certificate. Hence, these writ petitions.

3. The State filed the statement of objections denying the allegations made in the memorandum of the writ petitions. It is contended that the writ petitions are liable to be dismissed on the ground of delay and laches. The list of accepted applications and the oral interview marks list pertaining to the post of drivers was published on the official website of the Karnataka Legislative Assembly Secretariat on 17.11.2023 and 07.02.2024 respectively. The petitioners instituted the present petitions on 25.09.2025, after an inordinate and unexplained delay of nearly one and half years, which is



fatal to the case of the petitioners. It is also contended that respondent No.3 has duly possessed a valid 371J certificate and furnished all the requisite documents, was found eligible and upon successfully qualifying the Driving Skill Test and securing the highest marks in the oral interview, was appointed to the post of driver in this Secretariat. Selection of respondent No.3 is in accordance with the procedure. Hence, prays to dismiss these writ petitions.

4. Heard the petitioners/party-in-persons and learned Government Advocate for respondent Nos.1 and 2.

5. The petitioners/party-in-persons submits that respondent No.3 does not processes Article 371J certificate and appointment of respondent No.3 is illegal. He submits that they belongs to SC Category and have a valid 371J certificate and respondent No.3 has failed in the driving test. He submits that appointment of respondent No.3 is illegal. Hence, on these grounds, he prays to allow these writ petitions.



6. *Per contra*, learned Government Advocate for respondent Nos.1 and 2 submits that the petitioners participated in the proceedings. He submits that the Driving Skill Test was conducted and viva was also conducted and the selection list was published on the official website of the Karnataka Legislative Assembly Secretariat on 17.11.2023 and 07.02.2024 respectively. He submits that the present writ petitions are filed on 25.09.2025, after an inordinate and unexplained delay of nearly one and half years, which is fatal to the case of the petitioners. He submits that on the ground of delay and laches, the writ petitions are liable to be dismissed. Hence, on these grounds, he prays to dismiss these writ petitions.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the State has issued recruitment notification inviting an applications for the post of drivers. Pursuant to the said notification,



respondent No.3 applied for the post of driver. The petitioners and respondent No.3 claims under SC Category under Article 371J. The petitioners and the respondent-State have conducted selection process to the post of driver and respondent No.3 possess the valid 371J certificate and he was qualified in the Driving Skill Test and secured highest marks in the oral interview. The final selection list was published on 17.11.2023 and 07.02.2024 respectively and the respondents have also produced the marks sheet to show that respondent No.3 has secured highest marks and both the petitioners and respondent No.3 belongs to Hyderabad-Karnataka (Local Cadre) and as per the notification three vacancies were invited, one each reserved for Scheduled Caste, Scheduled Tribe and General Merit Categories and he has been selected and appointed. Admittedly, the petitioners after having participated in the selection process, and unsuccessful in the selection process, filed these writ petitions.



9. In view of the proposition of law laid down by the Hon'ble Apex Court in the case of **D.SAROJAKUMARI VS. R.HELEN THILAKOM AND OTHERS IN CIVIL APPEAL Nos.8345-8346 OF 2009 DISPOSED OF ON 13.09.2017** at para Nos.8 to 11, which reads thus:

*"8. In the case of **RAMESH CHANDRA SHAH AND OTHERS VS. ANIL JOSHI AND OTHERS** the petitioners took part in the process of selection made under the general Rules. Having appeared in the interview and not being successful they challenged the method of recruitment itself. They were not permitted to raise such an objection. This Court held as follows :-*

*"24. In view of the propositions laid down in the above noted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents."*

9. Same view has been taken in **MADRAS INSTITUTE OF DEVELOPMENT STUDIES AND ANOTHER VS. DR. K. SIVASUBRAMANIYAN AND OTHERS.**

10. The Kerala High Court did not note the above mentioned judgments and ignored the well settled position of law in rejecting the specific plea raised by the appellant herein that the appellant



*could not raise the issue that no direct recruitment should have been conducted once she had applied for and taken part in the selection process by direct recruitment.*

*11. As far as the present case is concerned an advertisement was issued by Respondent No.6 inviting applications for the post of Music Teacher in Samuel LMS High School. Respondent No.1 did not raise any objection at that stage that the post could not be filled in by direct recruitment and she should be considered for promotion. Not only that, she in fact, applied for the post and took part in the selection process. After having taken part in the selection process and being found lower in merit to the appellant, she cannot at this stage be permitted to turn around and claim that the post could not be filled in by direct recruitment. The reasoning of the learned Single Judge in rejecting the objection is not in consonance with the law laid down by this Court. In view of this we need not go into the other issues raised. "*

10. Considering the entire material placed on record, I do not find any fault in the appointment of respondent No.3. Further, there is a delay of more than one and half years in filing these writ petitions. Even on the ground of delay and laches, these writ petitions are liable to be dismissed. Further, the petitioners have not explained the delay in filing these writ petitions. Hence, I do not find any grounds to entertain these writ petitions.



11. Accordingly, I proceed to pass the following:

**ORDER**

- i. The writ petitions are ***dismissed***.
- ii. Pending application(s), if any shall stand disposed of.

Sd/-  
(ASHOK S.KINAGI)  
JUDGE

SSB