



CNR: KAHC010658592024

NC: 2026:KHC:48564
WP No. 30730 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 30730 OF 2024 (S-RES)

BETWEEN:

SRI.SUNIL H.V.,
AGED ABOUT 44 YEARS,
S/O. H. VEERAPPA,
ASST. ENGINEER (ELE)
OFFICE OF THE EXECUTIVE
ENGINEER (ELE) (O AND M),
DIVISIONAL OFFICE,
BESCOM,
DAVANAGERE - 577 002.

...PETITIONER

(BY SRI. MUKKANNAPPA S B, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
K.P.T.C.L,
CAUVERY BHAVAN,
K.G. ROAD,
BANGALORE - 560 009.
2. THE MANAGING DIRECTOR,
BESCOM,
K.R. CIRCLE,
BENGALURU - 560 001.
3. THE GENERAL MANAGER,
(ADMN AND HR)
BESCOM, K.R.CIRCLE,
BANGALORE - 560 001.

Digitally signed
by VIJAYA P
Location: HIGH
COURT OF
KARNATAKA



4. THE SUPERINTENDENT (ELE) (O & M),
CIRCLE OFFICE, BESCOM,
DAVANAGERE - 577 002.
5. THE EXECUTIVE ENGINEER (ELE),
DIVISIONAL OFFICE,
BESCOM,
DAVANAGERE - 577 002.
6. THE ASST. EXECUTIVE ENGINEER (ELE)
UNIT-II, URBAN SUB DIVISION,
BESCOM,
DAVANAGERE - 577 002.

...RESPONDENTS

(BY SMT.RAKSHITHA D.J, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT BEARING NO. KRA.SAM.KANIEM(V)/DAA/LEA/SALEA/HISA(SAA)/2177 DATED 02.06.2023 ISSUED BY THE 5TH RESPONDENT AT ANNEXURE-M TO THE WRIT PETITION DIRECT THE RESPONDENTS TO DECLARE THE PROBATIONARY PERIOD OF THE PETITIONER AND EXTEND ALL OTHER CONSEQUENTIAL MONETARY BENEFITS FOR WHICH THE PETITIONER IS LEGALLY ENTITLED TO UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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



CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition has been filed by the employee of BESCOM, assailing the endorsement dated 02.06.2023 issued by the 5th respondent at Annexure-M. In terms of the said endorsement at Annexure-M, the Competent Authority has not passed any order regarding the successful completion of the probation, subject to the following conditions:

- i. That, in 10th Standard, the employee ought to have studied Kannada as third language and does not passed the Departmental Kannada Language Examination. Further, the employee is called upon to furnish necessary documents in that regard.
- ii. That the validity certificate regarding caste is to be furnished.



2. Learned counsel appearing for the petitioner to point out that petitioner No.1 referred to Annexure-M is misplaced. Attention is drawn to the amendment made to the KPTCL Recruitment and Promotion Regulations, Employees (Probation) Regulations and Employees (Seniority) Regulations, produced at Annexure-S.

3. It is pointed out that, under the amended Regulation 8(5), the requirement of clearing the Kannada Departmental Examination would not apply, if the candidate has passed an examination higher than the SSLC examination, in which Kannada was taken as the main language. Attention is drawn to Annexure-R, which would reveal that the petitioner has passed the PUC examination with Kannada as first language. Attention is also drawn to Annexure-R6 to the statement of objections, wherein it is pointed out that, in the documents that were forwarded at Sl.No.5, a reference is made to the validity certificate in the service book.



4. Accordingly, it is submitted that the Authorities may be directed to consider and pass appropriate orders on probation, while interpreting conditions imposed in a proper manner.

5. Insofar as Condition Nos.1 and 2 at Annexure-M, as referred to above the petitioner has been called upon to pass the Departmental Kannada Language Examination. Such a condition cannot be insisted upon in the light of Rule 8(5) of the Rules, produced at Annexure-S, which reads as follows:

As Existing	Amended As
<i>8(5): Notwithstanding anything contained in the Regulations no candidate shall be eligible for selection in respect of Group-A & B posts unless he/she qualifies in a test in Kannada Language. This test shall comprise of one paper carrying maximum of 150 marks. For qualifying in this paper a candidate must score minimum of 50 marks. The standard of this</i>	<i>8(5): Notwithstanding anything contained in the Regulations no candidate shall be eligible for selection in respect of Group-A, B & C posts unless he/she qualifies in a test in Kannada Language. This test shall comprise of one paper carrying maximum of 150 marks. For qualifying in this paper a candidate must score minimum of 50 marks. The</i>



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<i>paper shall be that of first language Kannada at SSLC Level.</i> <u>Note:</u> <i>Provided that candidates who have passed the SSLC examination or any examination declared as equivalent to by the State Government or any examination higher than SSLC examinations in which Kannada is the main language or second language or an optional subject (but not one of the subjects in a composite paper) of if they have studied and passed in Kannada Medium are exempted from passing the compulsory Kannada Language Test."</i>	<i>standard of this paper shall be that of first language Kannada at SSLC Level.</i> <u>Note:</u> <i>Provided that candidates who have passed the SSLC examination or any examination declared as equivalent to by the State Government or any examination higher than SSLC examinations in which Kannada is the main language or second language or an optional subject (but not one of the subjects in a composite paper) of if they have studied and passed in Kannada Medium are exempted from passing the compulsory Kannada Language Test."</i>
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6. Proviso to Rule 8(5) makes it clear that if an employee has passed an examination higher than the SSLC examination, with Kannada as main language, such employee is not required to pass the Departmental Kannada Language Examination.



7. A perusal of Annexure-R would indicate that the petitioner has completed his Pre-University Course by taking Kannada as the first language. If that be so, insistence upon Condition No.1 at Annexure-M does not arise.

8. Insofar as condition No.2 is concerned, the petitioner has drawn the attention of this Court to Annexure-R6, wherein there is a reference to the validity certificate, is a part of service record. However, if the respondents do not have at the records such validity certificate regarding caste, the petitioner has to furnish a fresh certificate. The said certificate to be furnished within two weeks from the date of receipt of certified copy of this order. Upon such receipt, the respondents shall pass necessary orders regarding completion of probation to be passed within a period of one month thereafter.

9. Needless to state, while considering completion of probation, the Authority cannot traverse to conditions



other than that were mentioned at Annexure-M, while clarifying that the Condition No.1 at Annexure-M would not arise in light of completion of PUC certificate, be taken as PUC course in Kannada language, which may be taken note of by the Authority regarding the requirement of completion of Kannada language in terms of Rule 8(5).

10. Though learned counsel for the respondent-Corporation would point out that there are certain objectionable conduct on the part of the petitioner, which must be a ground for rejecting his probation. However, it is a settled position of law that a document cannot traverse beyond its contents and accordingly, if the Authority has considered the petitioner's probation and declare completion of probation on the ground mentioned at Annexure-M, which would not be open for the employer to traverse beyond such conditions imposed. A employer cannot raise additional ground not contained in the



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document, reflecting application of mind regarding completion of probation.

Accordingly, the petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

PK
List No.: 1 Sl No.: 35