HC-KAR

NC: 2026:KHC:60019
WP No. 12420 of 2024

CNR: KAHC010215242024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 12420 OF 2024 (GM-CC)

BETWEEN:

SMT REKHA
W/O CHANDRAKANTH,
AGED ABOUT 29 YEARS,
R/AT BASAVESHWARA COLONY,
BETTADAPURA VILLAGE AND POST,
BETTADAPURA HOBLI,
PERIYAPATTANA TALUK
KARNATAKA - 571 102

...PETITIONER

(BY SRI. DHANANJAY KUMAR, ADVOCATE)

AND:

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARANATAKA
DEPARTMENT OF SOCIAL WELFARE,
REP BY ITS SECRETARY - 560 001,
M S BUILDING BENGALURU

2. THE DEPUTY COMMISSIONER
MYSORE DISTRICT,
AND PRESIDENT OF
SC/ST DISTRICT CASTE VERIFICATION COMMITTEE
MYSORE DISTRICT - 575 001

3. THE TAHASILDAR
PERIYAPATTANA TALUK

MYSORE DISTRICT - 571 102

4. JOINT DIRECTOR
SOCIAL WELFARE DEPARTMENT,
AND MEMBER SECRETARY,
SC/ST CASTE VERIFICATION COMMITTEE,
MYSORE DISTRICT - 575 001

5. JOINT SECRETARY
AND MEMBER,
SC/ST CASTE VERIFICATION COMMITTEE,
MYSORE DISTRICT - 575 001

6. SMT ANITHA
W/O NARAYANA,
AGED 31 YEARS,
R/AT BETTADAPURA VILLAGE,
BETTADAPURA HOBLI,
PERIYAPATTANA TALUK
KARNATAKA - 571 102

…RESPONDENTS

(BY SRI. C. JAGADISH, SPECIAL COUNSEL
APPEARING THROUGH VC FOR R1 TO R5
SRI. NAGAIAH, ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 20.01.2024 PASSED BY THE R-2 TO 5 IN NO. JAM NI/SAKAE/D6/SUJAPA/CR-10/2022-23 VIDE ANNX-A AND ALLOW THIS WP ETC.

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court impugning the order dated 20.01.2024 passed by the District Caste Verification Committee, consisting of respondent Nos.2 and 5, whereby the Committee has directed respondent No.3 to cancel the caste certificate issued in favour of the petitioner on the ground that the petitioner does not belong to the Scheduled Caste, as she belongs to the Muslim religion. The proceedings initiated by respondent Nos.2 and 5 are based on the complaint submitted by respondent No.6 to the Superintendent of Police, Civil Rights Enforcement Directorate, Mysore.

2. The order impugned is challenged on the ground that, before passing the impugned order, the Committee had not afforded sufficient opportunity to the petitioner to put forth her claim regarding her caste. At the time of hearing of the petition, learned counsel for the petitioner has also raised a ground relating to the

maintainability of the complaint filed by respondent No.6 before respondent Nos.2 and 5.

3. It is the contention of the petitioner that a caste certificate issued by the Tahsildar under Section 4A of the Karnataka Schedule Caste & Scheduled Tribes and Other Backward Classes (Reservation of Appointments, etc.) Act, 1990, can be challenged by any person aggrieved under Section 4B of the Act before the Assistant Commissioner of the Revenue Sub-Division or, in the alternative, a petition can be filed under Section 4F of the Act before the Deputy Commissioner. However, in the present case, respondent No.6 has submitted a complaint before the Superintendent of Police, Civil Rights Enforcement Directorate, Mysore, which has been considered as proceedings under Section 4C of the Act by the Committee.

4. On looking into the proceedings initiated by respondent Nos.2 and 5, which culminated in the order impugned, and the provisions of Sections 4A, 4B, 4C, 4E and 4F of the Act, it is discernible that a caste certificate

issued by the Tahsildar could be challenged by any person aggrieved under Section 4B of the Act before the Assistant Commissioner or by way of a revision petition under Section 4F of the Act before the Deputy Commissioner. There is no provision for submitting a complaint before the Superintendent of Police, Civil Rights Enforcement Directorate. The District Caste Verification Committee can initiate proceedings under Section 4C of the Act only if a request is made for verification of the caste certificate issued under Sections 4A or 4B of the Act, at the instance of the appointing authority, the authority making admission to a course of study in a University or an educational institution, and not otherwise.

5. In the present case, the caste certificate obtained by the petitioner was for the purpose of contesting an election and, therefore, there was no request before the District Caste Verification Committee for verification of the caste certificate.

6. On the contrary, the substance of the complaint submitted by respondent No.6 is in the nature of a challenge to the issuance of the caste certificate in favour of the petitioner. Therefore, the entire proceedings initiated at the instance of respondent No.6, which culminated in the impugned order, is wholly without jurisdiction. Consequently, the impugned order at Annexure-A cannot be sustained.

7. Learned counsel for respondent No.6, however, submits that, in the event of this Court holding that the impugned order passed by the Committee is without jurisdiction, respondent No.6 may be permitted to either file an appeal under Section 4B of the Act before the Assistant Commissioner or a revision petition under Section 4F before the Deputy Commissioner.

8. In the result, the following:

ORDER

i. The writ petition is ***allowed***.

ii. The order dated 20.01.2024 at Annexure-A passed by the District Caste Verification Committee is hereby ***quashed***.

iii. Liberty is reserved to respondent No.6 to initiate such proceedings, in accordance with the provisions of law, as noticed supra, if so advised.

iv. I.A.No.1/2025 filed for vacating stay stands ***disposed of***.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

SMC
List No.: 1 Sl No.: 14