IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 14017 OF 2021 (S-KSAT)

BETWEEN:

SRI. B. R. ANDANI
S/O. RAVUTHAPPA,
AGED ABOUT 48 YEARS,
WORKING AS
ASSISTANT JAIL SUPERINTENDENT,
RAICHUR DISTRICT PRISON,
RAICHUR-584 101.

...PETITIONER

(BY SRI. RANGANATHA S JOIS, ADV.)

AND:

1. STATE OF KARNATAKA
   REP. BY PRINCIPAL SECRETARY,
   DEPARTMENT OF HOME
   VIDHANA SOUDHA,
   BENGALURU-560 001.

Digitally signed by NANJUNDACHARI
Location: High Court of Karnataka

2. THE DIRECTOR GENERAL
   AND INSPECTOR OF PRISONS
   SESHADRI ROAD,
   BENGALURU-560 001.

3. SRI. K. N. MOHAN KUMAR
   S/O. LATE G. NATARAJ,
   AGED ABOUT 50 YEARS,
   WORKING AS
   ASSISTANT SUPERINTENDENT
   KOLAR DISTRICT JAIL,
   KOLAR-563 101.

...RESPONDENTS

(BY SRI. B MANJUNATH, AGA FOR R1 & 2
SRI K.B. MONESH KUMAR, ADV. FOR R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO 1. CALL FOR THE RECORDS PERTAINING TO A. NO.3124 AND 3764/2020 AND PERUSE AND QUASH THE ORDER DATED 24.06.2021 MADE BY THE KSAT IN A. NO.3124 AND 3764/2020 VIDE ANNEXURE-A A ERRONEOUS AND UNSUSTAINABLE IN LAW; B. CONSEQUENTLY DISMISS THE APPLICATION NO.3124 AND 3764/2020 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL OF THE 3RD RESPONDENT WITH COSTS AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **14.10.2026** COMING ON THIS DAY, ***S.G.PANDIT J.,*** PRONOUNCED THE FOLLOWING

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner, respondent No.3 before the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') in Application Nos.3124 and 3764/2020 is before this Court aggrieved by order dated 24.06.2021, whereunder the respondent Nos.1 and 2 are directed to consider the representations of the applicant dated 06.02.2020 (Annexure-A13) regarding re-doing the seniority list as per Government Circular and also as per Judgment of the Hon'ble Apex Court.

2. The parties would be referred to as they stood before the Tribunal. The petitioner herein was respondent No.3 and respondent No.3 herein was the applicant before the Tribunal.

3. The applicant approached the Tribunal praying for a writ of certiorari to quash seniority list dated 21.05.2019 (Annexure-A1) insofar as respondent No.3 is concerned in the cadre of Head Warden and also in the cadre of Jailor; to quash O.M., dated 08.07.2020 (Annexure-A14) promoting respondent No.3 as Assistant Superintendent of Prisons and thereafter to consider representation dated 06.02.2020 to re-do the seniority. It is the case of the applicant that both applicant and respondent No.3 were directly appointed as Head Warden. It is stated that respondent No.3 was appointed with Rural Weightage. After their appointment for the first time, seniority list of Head Warden was published in the year 2007, wherein the applicant was shown at Sl.No.56 and respondent No.3 was shown at Sl.No.53. On 04.08.2008, both applicant and respondent No.3 were promoted as

Chief Warden in which the applicant was placed at Sl.No.45 and respondent No.3 was placed at Sl.No.43. Thereafter, it is stated that both applicant and respondent No.3 were promoted to the cadre of Jailor on 13.02.2012. In the seniority list of the cadre of Jailor published on 14.08.2012, the respondent No.3 was at Sl.No.68 and applicant was at Sl.No.70. Thereafter, respondent No.3 is promoted to the cadre of Assistant Superintendent of Prisons by O.M., dated 02.07.2020. It is the case of the applicant that he ought to have been placed above respondent No.3 in the select list of Head Warden and in the subsequent seniority lists of different cadres, since he was more meritorious. Further, it is the case of the applicant that respondent No.3 was appointed with the benefit of Rural Weightage and in view of the setting aside of Rural Weightage, respondent No.3 would not be entitled for the benefit of Rural Weightage and as such, he would come down in the merit list. It is submitted that the applicant had made several representations and as the representations were not considered, the applicant had to approach the Tribunal.

4. The Tribunal under impugned order though not granted the relief of quashing the seniority list as well as promotion of respondent No.3, however directed to consider the representation of the applicant to re-do the seniority list. Aggrieved by the said direction, respondent No.3 is before this Court.

5. Heard learned counsel Sri.Ranganath S. Jois for respondent No.3/petitioner, learned Additional Government Advocate Sri.B.Manjunath for respondent Nos.1 and 2 and learned counsel Sri.K.B.Monesh Kumar for respondent No.3. Perused the entire writ petition papers.

6. Learned counsel Sri.Ranganath S. Jois would submit that in the facts and circumstances of the present case, the Tribunal could not have issued a mandamus to consider the representation of applicant wherein applicant had prayed for re-doing the seniority. Learned counsel for the petitioner would contend that applicant having accepted the seniority of respondent No.3 placing above him for

more than fifteen years, could not have sought for re-doing the seniority. Learned counsel for the petitioner would submit that settled position of seniority could not be unsettled after several years at the instance of applicant. Learned counsel Sri.Ranganath S. Jois would submit that from the date of appointment in the cadre of Head Warden, Chief Warden, Jailor, respondent No.3 is shown as senior and applicant had never questioned or challenged placing of respondent No.3 above the applicant at any point of time. Therefore, learned counsel for the petitioner would submit that the Tribunal without examining as to whether at this length of time applicant could question the placing of respondent No.3 above him, directed to consider the representation, which is wholly illegal and arbitrary. Thus, he would pray for allowing the writ petition.

7. On the other hand, learned Additional Government Advocate Sri.B.Manjunath would submit that in pursuance to the direction of the Tribunal, respondent Nos.1 and 2 published final seniority list of Group-B Assistant Superintendents vide notification dated

06.09.2024 and in the said list, applicant is shown at Sl.No.16 above respondent No.3 who is placed at Sl.No.17. Thus, he would submit that impugned order of the Tribunal is implemented.

8. Learned counsel Sri.K.B.Monesh Kumar for applicant would submit that respondent No.3 was placed above applicant wrongly at the time of appointment of applicant as well as respondent No.3 by wrongly applying Rural Weightage to respondent No.3. Further, it is submitted that the applicant had secured more marks than respondent No.3 and applicant was more meritorious. Learned counsel for respondent No.3 would further submit that subsequent Hon'ble Apex Court's decision and subsequent Government Circular dated 02.07.2003 required the State to rectify the select list. The representation submitted by the applicant to rectify the ranking assigned to applicant as well as respondent No.3 in the seniority list was not considered or acted upon. The applicant is only seeking to rectify the merit list of petitioner and respondent No.3 while appointing them as

Head Warden. When the Tribunal has only directed consideration of representation and when already representation was considered and seniority is rectified, it would not be appropriate to interfere with the impugned order passed by the Tribunal.

9. On hearing the learned counsel for the parties and on perusal of the entire writ petition papers, we are of considered view that the Tribunal under the impugned order could not have directed Respondent Nos.1 and 2 to consider the representation of Respondent No.3 dated 06.02.2020 regarding redoing seniority list.

Both applicant and Respondent No.3 were directly appointed as Head Warden on 12.08.1999. Respondent No.3 was appointed with rural weightage and there was litigation in respect of rural weightage. Be that as it may. After appointment of applicant and Respondent No.3, for the first time, seniority list of Head Warden was published in the year 2007 showing Respondent No.3 as senior to applicant. Admittedly, Respondent No.3 was shown as senior to applicant in the seniority list of Chief Warden and

also in the seniority list of Jailer published in the year 2012. The applicant has not questioned the placement of Respondent No.3 above him in the seniority list of Head Warden, Chief Warden or in the seniority list of Jailer and the applicant accepted the placement of Respondent No.3 above him in all the above stated seniority lists.

10. Under representation dated 06.02.2020, the main grievance of the petitioner reads as follows:

> "ಪ್ರಸ್ತುತ ಪ್ರಕಟಿಸಿರುವ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯಲ್ಲಿ ನನ್ನ ಕ್ರಮ ಸಂಖ್ಯೆ 15 ಎಂದು ನಿಗಧಿಗೊಳಿಸಲಾಗಿದ್ದು, ನಾನು ಪಡೆದ ಅಂಕಗಳು 109.50 (ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ ಶೇಕಡಾವಾರು+ಸಂದರ್ಶನ ಅಂಕ) ಆಗಿರುತ್ತದೆ. ನನಗಿಂತ ಕಡಿಮೆ ಅಂಕ ಪಡೆದಿರುವ ಅಭ್ಯರ್ಥಿಗಳಾದ ಶ್ರೀ ಭೀಮರಾಯ ಅಂದಾನಿ ಹಾಗೂ ಶ್ರೀ ಹೆಚ್.ಜಿ. ಮಂಜುನಾಥ್ ಇವರುಗಳ ಅಂಕ ಕ್ರಮವಾಗಿ 105.33 ಮತ್ತು 104.00 (ಗ್ರಾಮೀಣ ಕೃಪಾಂಕ ರಹಿತ) ಆಗಿರುತ್ತದೆ. ಆದರೆ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯಲ್ಲಿ ಇವರ ಕ್ರಮ ಸಂಖ್ಯೆ 13 ಮತ್ತು 14 ಎಂದು ಕ್ರಮವಾಗಿ ನಿಗಧಿಗೊಳಿಸಲಾಗಿದೆ. ಇದರಿಂದ ನನಗಿಂತ ಕಿರುಯವರಾಗಿದ್ದು, ಇವರನ್ನು ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯಲ್ಲಿ ನನಗಿಂತ ಮೇಲೆ ನಿಗಧಿಗೊಳಿಸಿರುವುದರಿಂದ ನನಗೆ ಅನ್ಯಾಯವಾಗಿರುತ್ತದೆ."

11. The grievance of the applicant is that though he had scored more marks and more meritorious, he was placed below Respondent No.3 in the merit list or select list

of Head Warden when they were appointed in the year 1999. Applicant contended that in terms of Circular dated 02.07.2003, the respondents ought to have corrected the select list of the year 1999. If that is so, the applicant ought to have approached the Tribunal or Court immediately thereafter. Having slept over for more than fifteen years, over his right, the petitioner cannot seek for a direction to consider his representation made in the year 2022 to unsettle the settled position of seniority. There is an inordinate delay on the part of the applicant in approaching the Tribunal for seeking rectification of select list of the year 1999. The Tribunal, under impugned order having refused prayer to quash the seniority list as prayed by applicant could not have directed or issued mandamus to consider representation dated 06.02.2020 at Annexure-13.

12. The Hon'ble Apex Court in the case of ***P.S.Sadasivaswamy Vs. State of Tamilnadu***[1] has specifically held that in service matters, a person shall approach the Court within a reasonable time and no

[1] (1975) 1 SCC 152

person can approach under Article 226 with a prayer to unsettle the settled position after a very long time. Relevant portion reads as follows:

> *"A person aggrieved by an order of promoting a junior over his bead 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 extra-ordinary 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 impedes the work of the court in considering legitimate grievances as also its normal work".*

13. The Hon'ble Apex Court has laid down principle that while the High Courts exercising discretion under Article 226 of the Constitution of India 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 the matters shall not be entertained. It is further observed that entertaining such petition is a waste of time of the Court.

14. The Hon'ble Apex Court in catena of decisions has also held that making repeated representations would not extend the period of limitation. In that regard, the Hon'ble Apex Court in ***Karnataka Power Corporation Limited and another Vs. K.Thangappan and another***[2] at paragraph Nos.6, 9 & 10 has held as follows:

> ***"6.*** *Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is*

[2] (2006)4 SCC 322

involved the matter is still within the discretion of the Court as pointed out in Durga Prasad v. Chief Controller of Imports and Exports (AIR 1970 SC 769). Of course, the discretion has to be exercised judicially and reasonably.

9. *It was stated in State of M.P. v. Nandlal (AIR 1987 SC 251), that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.*

> ***10.*** *It has been pointed out by this Court in a number of cases that representations would not be adequate explanation to take care of delay. This was first stated in K.V.Rajalakshmiah Setty v. State of Mysore (AIR 1967 SC 993). This was re iterated in Rabindranath Bose case AIR 1970 SC 470 by stating that there is a limit to the time which can be considered reasonable for making representations and if the Government had turned down one representation the making of another representation on similar lines will not explain the delay. In State of Orissa v. Pyarimohan. Samantaray (AIR 1976 SC 2617) making of repeated representations was not regarded as satisfactory explanation of the delay. In that case the petition had been dismissed for delay alone. (See State of Orissa v. Arun Kumar Patnaik (AIR 1976 SC 1639 also).*

15. Section 21 of the Administrative Tribunals Act, 1985 prescribed limitation of one year from the date of cause of action to approach the Tribunal for any relief. In the instant case, as could be seen from the representation of the applicant, the cause of action arose in pursuance to Circular dated 02.07.2003 (Annexure-A5). However, the petitioner approached the authorities by representation dated 06.02.2020 (Annexure-A13). The Tribunal, contrary

to Section 21 of the Act, 1985 could not have entertained the application of the petitioner to direct consideration of his representation. No application for condonation of delay was filed explaining the delay. In the said circumstances, without going into the merits, we are of the considered opinion that the petitioner would not be entitled for direction to consider his representation solely on the ground of delay and latches. Accordingly, the following:

ORDER

i) Writ Petition stands ***allowed***.

ii) Consequently, order dated 24.06.2021 in Application Nos.3124 and 3764 of 2020 passed by the Tribunal stands quashed and applications are dismissed.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NC
CT:bms