IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 13961 OF 2024 (GM-CC)

BETWEEN:

SRI. VADIVELU
S/O SRI. DORESWAMY @ CHINNASWAMY
AGED ABOUT 41 YEARS
R/AT TAMILU CAMP
HUNASEKATTE VILLAGE AND JUNCTION
BHADRAVATHI TALUK
SHIVMOGA DISTRICTCT
PIN-577 115

...PETITIONER

(BY SRI: N SRIDHAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY
   DEPARTMENT OF SOCIAL WELFARE
   M.S.BUILDING
   BENGALURU-560 001

2. THE DIRECTOR GENERAL OF POLICE
   CIVIL RIGHTS ENFORCEMENT CELL
   NO.1, TECHNICAL EDUCATION BHAVANA
   1ST FLOOR, PALACE ROAD
   BENGALURU-560 001

3. THE SUPERINTENDENT OF POLICE
   CIVIL RIGHTS ENFORCEMENT CELL
   DAVANAGERE REGION
   DAVANAGERE-577 001

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

4. THE DEPUTY COMMISSIONER
SHIVMOGA DISTRICT
SHIVMOGA-577 201

5. THE ASSISTANT SECRETARY
(ADMINISTRATION)
ZILLA PANCHAYATH
SHIVMOGA-577 201

6. THE ASSISTANT DIRECTOR
DEPARTMENT OF SOCIAL WELFARE
SHIVMOGA DISTRICT
SHIVMOGA-577 201

7. THE THASILDAR
BHADRAVATHI TALUK
SHIVMOGA DISTRICT
PIN-577 301

8. SRI. MUTTURAJ
S/O SRI. VENKATAIAH
AGED ABOUT 50 YEARS
R/AT HUNASEKATTE VILLAGE
AND JUNCTION
BHADRAVATHI TALUK
SHIVMOGA DISTRICT
PIN-577 115

9. SRI. S. VIRUPAKSHAPPA
S/O SRI. SIDDALINGAPPA
AGED ABOUT 51 YEARS
PRESIDENT OF PLD BANK
HUNASEKATTE VILLAGE
AND JUNCTION
BHADRAVATHI TALUK
SHIVMOGA DISTRICT
PIN-577 115

10. SRI. A.R. PARAMESHWARAPPA
S/O SRI. RAMAPPA
AGED ABOUT 49 YEARS
DISTRICT CO-ORDINATOR
ZILLA SANGARSHA SAMITHI

R/AT HUBBANAHALLI VILLAGE
BALE KOPPA POST
SHIVMOGA TALUK AND DISTRICT
PIN-577 423

…RESPONDENTS

(BY SRI: C JAGADEESH, SPL.PP R1 TO R7;
SRI: S. SHIVANANDA, ADVOCATE FOR R8 & R10
SRI: SAMMITH S ADVOCATE FOR R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER NO.UNI/SAKAESHI/JATI/C.R-9/2022-23, DATED 04.04.2024 PASSED BY THE DEPUTY COMMISSIONER AND PRESIDENT OF DISTRICT CASTE AND INCOME VERIFICATION COMMITTEE (DCVC), SHIVAMOGAA DISTRICT, SHIVAMOGAA (R4 TO R7) VIDE ANNEXURE-A.

THIS WRIT PETITION, HAVING BEEN RESERVED FOR ORDERS ON 08.10.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **T.P.VIVEKANANDA J.,** MADE THE FOLLOWING:

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

CAV ORDER

The petitioner is before this Court seeking issuance of writ of certiorari to quash the order dated 04.04.2024 passed by the Deputy Commissioner and President of District Caste and Income Verification Committee, Shivamogga District (DCVC), whereby, a direction had been issued to respondent No.7 - Tahsildar, Bhadravathi Taluk to cancel the Caste Certificate bearing No.RD00338126138603 dated 07.01.2017 issued in favour of the petitioner.

2. The facts of the case as pleaded by the petitioner in the writ petition are that, the petitioner was born on 22.03.1981 and he was admitted to the Government School with admission No.21 of 1987-88. At the time of admission, the caste of the petitioner was informed to the school authorities as Bhovi. It is the assertion of the petitioner that in the subsequent school records upto the pre-university, the caste of the petitioner was continued to be indicated as Bhovi. In the year 2017, the petitioner had applied for issue of fresh Caste Certificate. On considering the said request, the caste certificate bearing No. RD00338126138603 dated 07.01.2017 was issued by respondent No.7 - Tahsildar. It is the assertion of the petitioner that the school records of his brother Sri C Vishwanath also depicts the caste as Bhovi. The relevant school records of his brother are also placed on record. It is his contention that based on the respective certificates regarding the caste Bhovi, the petitioner and his brother have obtained all the benefits provided by the State to the Bhovi Community.

3. In the year 2021, Sri Mutturaj/respondent No.8 herein submitted a complaint to respondent No.3 - Superintendent of Police, Civil Rights and Enforcement Cell, Davangere, complaining that the petitioner has obtained the

caste certificate of Bhovi, though he does not belong to the said caste. However, his actual caste being 'Boyer' in the State of Tamil Nadu, from which place, the father of the petitioner has migrated to the State of Karnataka. The caste 'Boyer' is not a Scheduled Caste in the State of Tamil Nadu. Therefore, the petitioner has falsely claimed the caste Bhovi and obtained all benefits attached to the said caste.

4. Respondent No.2 had obtained a report from respondent No.3 regarding the complaint submitted by respondent No.8. In the said report, respondent No.3 has reported that based on the customs and rites followed by the family of the petitioner and on enquiry of the local residents and the documents collected, so also, the explanation of Tahsildar, Bhadravathi Taluk, confirmed that the petitioner belongs to Bhovi caste and reported to close the enquiry. Accepting the report of respondent No.3, respondent No.4 by Memorandum dated 31.01.2022 has closed the proceedings and issued necessary endorsement to the applicant. Without challenging the Memorandum dated 31.01.2022 in the manner known to law, respondent No.8 had submitted a representation/complaint dated 30.11.2022, which was acknowledged by respondent No.3 on 01.12.2022, to again re-

verify the documents and to take action against the petitioner for furnishing false documents and fabrication of the Government records.

5. Taking cognizance of the said complaint, respondent No.3 called upon respondent No.7 - Tahsildar to offer clarifications regarding the 10 points raised in the Communication dated 28.02.2023. In response to the same, respondent No.7 has furnished the information through his Communication dated 13.09.2023. Upon receipt of the report/clarification from respondent No.7 - Tahsildar, the respondent No.3 has forwarded a detailed report to respondent No.2. There is another report dated 03.10.2023 forwarded by the office of respondent No.2 to the office of respondent No.3. Finally, on 12.12.2023, respondent No.2 referring to another complaint filed by respondent No.9 herein had forwarded the report of respondent No.3 to the Deputy Director, Social Welfare Department to take action in accordance with the Rules and forward the final order to the office of respondent No.2.

6. It is based on the aforesaid reports and communications, the proceedings were initiated by the Social Welfare Department in case No.ಉನಿ/ಸಕಇಶಿ/ಜಾತಿ/ಸಿಆರ್-09/2022-23

dated 04.02.2024. In the said proceedings, original complainant, Sri Muttu Raj and other two complainants i.e., respondent Nos.9 and 10 were cited as complainants and the petitioner was arrayed as respondent. The proceedings was initiated under the Chairmanship of the Deputy Commissioner, DCVC, Shivamogga District. The order at Annexure-A has been passed by the DCVC headed by the Deputy Commissioner, directing cancellation of the caste certificate dated 07.01.2017. The said order is in challenge in the present writ petition.

7. The writ petition is opposed by respondent No.9 by filing the statement of objections.

8. The learned counsel for the petitioner by re-iterating the contentions urged in the writ petition submits that the proceedings initiated by the respondents itself is not maintainable in light of the closure of the earlier proceedings through Memorandum dated 31.01.2022. Respondent Nos.8 to 10 have no *locus standi* to lodge the complaint before DCVC. The complaint lodged by respondent Nos.8 to 10 is politically motivated and the impugned order has been passed without looking into the school certificate, income certificate, census report, the report of Tahsildar and the mahazar conducted at

the village and therefore, the order impugned is liable to be set at naught.

9. *Per contra,* it is the contention of the respondent No.9 that upon thorough inquiry, respondent Nos.2 and 3 have forwarded the detailed report to the District Social Welfare Officer reporting that the petitioner belongs to Boyer caste, which is not a scheduled caste in the State of Tamil Nadu, however, it is a backward class and therefore, upon migration from the State of Tamil Nadu, the petitioner cannot seek the benefit of the caste Bhovi. It is the contention that the documents relating to education are all obtained by producing false and incorrect information and there are certain fabrication of the Government records. Therefore, the order impugned does not call for any interference. The petitioner being the person belonging to Boyer caste is not entitled to obtain the benefits attached to the caste Bhovi.

10. In addition, respondent No.9 contends that the writ petition filed by the petitioner is not maintainable, inasmuch as, the impugned order states that the same has been passed in exercise of power under Section 4C and 4E of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward

Classes (Reservation of Appointments Etc.,), 1990 (for short 'the Act'). Therefore, as against the order passed under Section 4C of the Act, the appeal lies under Section 4D of the Act to the Commissioner/Director of Social Welfare and hence, the writ petition is liable to be dismissed only on the said ground.

11. Learned counsel for respondent No.9 re-iterating the contention urged in statement of objection placed reliance on the following judgements of the Hon'ble Supreme Court and this Court:

(i) ***B Basavalingappa Vs D Munichinnappa,*** *reported in* ***AIR 1965 SC 1269;***

(ii) ***Nityanand Sharma and Another Vs State of Bihar and Others,*** *reported in* ***AIR 1996 SC 2306;***

(iii) ***Dr Bhim Rao Ambedkar Vichar Manch Bihar, Patna Vs The State of Bihar and Others*** *reported in* ***(2024) 7 SCR 796;***

(iv) ***Sri Sangappa M Bagewadi Vs State of Karnataka and Others,*** *in RP No.100100 of 2024 DD on 12.02.2025; and*

(v) ***Prabhu Vs State of Karnataka and Others,*** *in Writ Petition No.203394 of 2023 DD on 17.03.2025."*

12. I have heard the learned counsel for the petitioner and the respondents and perused the writ petition papers, so also, statement of objections filed by respondent No.9.

13. It is not in dispute that the petitioner had earlier obtained the caste certificate in the year 1991 and claimed the benefit of the caste Bhovi throughout. Only when the petitioner has obtained the caste certificate in the year 2017, objection was initially raised by respondent No.8 and later by respondent Nos.9 and 10. At the first instance, the complaint submitted by respondent No.8 had been closed through Memorandum dated 31.01.2022. However, being dissatisfied with the closure of the complaint, respondent No.8 again approached respondent No.3 to re-enquire into the matter and review the decision. It is the said complaint which gave rise to obtaining of fresh reports from the office of Tahsildar, so also, forwarding of the report by respondent No.3 to respondent No.2 and respondent No.2 to the Director, Social Welfare Department, which resulted in initiation of the proceedings.

14. On a reading of all the aforesaid reports and the impugned order, it is seen that the proceedings initiated at the instance of respondent Nos.8 to 10 cannot be at any stretch of

imagination be construed as an appeal either under Section 4B or under Section 4D of the Act. In the impugned order, DCVC headed by the Deputy Commissioner, Shivamogga District, though refers to the provisions of Sections 4C and 4E of the Act, however, the order impugned cannot be traced to be under Sections 4C and 4E of the Act. Under the Scheme of the Act, the Tahsildar is empowered to issue the Caste Certificate on the request of any candidate or his parent or guardian belonging to the Scheduled Castes or the Scheduled Tribes either for appointment to any service or post or for admission to course of study in a university or any educational institution, in such form and in such manner as may be prescribed for issue of Caste Certificate. Any person aggrieved by an order of the Tahsildar under Section 4A of the Act may prefer an appeal to the Assistant Commissioner of the Revenue Sub-Division within 30 days under the provisions of Section 4B of the Act. The order passed under Section 4B of the Act is final and no further appeal or revision is provided.

15. Under Section 4C of the Act, the State is empowered to constitute Verification Committee for each District for verification of Caste Certificate and Income Certificate issued under Section 4A or 4B of the Act. Any person

aggrieved by the order passed by the Verification Committee under Section 4C of the Act may file an appeal within 30 days from the date of receipt of the order to the Commissioner/Director Social Welfare in respect of the Caste Certificate relating to person belonging to the Scheduled Caste under Section 4D of the Act.

16. In the present case, the complaint filed by respondent No.8 or respondent No.9 cannot be considered as an appeal under Section 4B or under Section 4D of the Act. Therefore, the Caste and Income Verification Committee constituted under Section 4C of the Act could not have assumed the jurisdiction to adjudicate the complaint submitted by respondent Nos.8 and 9. The order under Section 4C of the Act could be passed by the District Caste and Income Verification Committee only when a request is made to the Committee for issue of validation certificate.

17. In the present case, the petitioner or the appointing authority or any authority making admission to a course of study in the University or any educational institution have not sought for issue of validation certificate. Therefore, the impugned order passed by the DCVC exercising its purported

power under Section 4C of the Act, cannot be sustained. Inasmuch as, respondent Nos.8 and 9 were either the applicants or the objectors before the Verification Committee in a proceedings under Section 4C of the Act. Therefore, the entire proceedings commencing from the submission of the complaint/representation by respondent No.8 to the respondent No.3 and all further internal correspondences between respondent Nos.2, 3, 4 and 7 are all contrary to the scheme of the Act. The submission of the complaint by respondent No.8 to respondent No.3 itself was not maintainable, inasmuch as, the remedy which was available to respondent No.8 was only to file an appeal under Section 4B of the Act before respondent No.6 - Assistant Commissioner or a revision under Section 4F of the Act to the Deputy Commissioner of Shivamogga District.

18. In that view of the matter, it is imperative for this Court to obliterate the entire proceedings commencing from the stage of submission of complaint dated 30.11.2022 (submitted on 01.12.2022) at Annexure-M and all further proceedings upto the date of passing of the impugned order is one being without authority of law and without jurisdiction. However, this order obliterating the entire proceedings referred to supra would not be a bar for respondent Nos.8 to 10 initiating appropriate

proceedings in the manner known to law before the appropriate authority, as observed in the body of this order. However, respondent Nos.8 to 10 will have to establish their *locus standi* to question the validity of the caste certificate issued in favour of the petitioner in terms of the law declared by the Hon'ble Apex Court in the case of ***Ayaaubkhan Noorkhan Pathan Vs The State of Maharashtra and Others***[1]***.***

19. The complaint submitted by respondent Nos.8 to 10 could have been considered as one of the revision petition before the Deputy Commissioner to examine the records relating to issue of Caste Certificate under Section 4A of the Act. Further, in the present case, the petition/complaint was not submitted to the Deputy Commissioner of the District. However, the same has been submitted to respondent No.3. The impugned order cannot also be considered as an order passed under Section 4F of the Act in exercise of the power *suo moto*, inasmuch as, the impugned order is not passed by the Deputy Commissioner of the District alone. However, the same is passed by the Committee headed by the Deputy Commissioner. The exercise of power by the Committee headed

[1] (2013) 4 SCC 465

by the Deputy Commissioner cannot be equated with that of the revisional power of the Deputy Commissioner under Section 4F of the Act.

20. In view of the above, consideration of the judgments cited on behalf of respondent No.9 would not arise.

21. In the result, the following:

ORDER

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

(ii) The Order dated 04.04.2024 in No.UNI/SAKAESHI/JATI/C.R-9/2022-23 passed by respondent Nos.4 to 7 vide Annexure-A, is hereby quashed.

It is made clear that, allowing of the writ petition and obliteration of the impugned order would not come in the way of respondent Nos.8 to 10 initiating appropriate legal proceedings, in accordance with the provisions of the Act and in compliance with the requirement of establishment of *locus standi* of respondent Nos.8 to 10 to challenge the validity of the caste certificate issued in favour of the petitioner.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN