HC-KAR

NC: 2026:KHC:60601-DB
WP No. 18878 of 2021

CNR: KAHC010379602021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 18878 OF 2021 (S-KSAT)

BETWEEN:

SMT HASEENA BANU C. Z.,
W/O SYED MUJEEBULLA,
AGED ABOUT 51 YEARS,
OCC. TYPIST,
OFFICE OF CHIEF CONSERVATOR OF FORESTS,
SHIVAMOGGA CIRCLE, VIDYANAGAR,
SHIVAMOGGA - 577203.

...PETITIONER

(BY SMT. ANUPAMA HEGDE, ADVOCATE)

AND:

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

1. GOVERNMENT OF KARNATAKA
   DEPARTMENT OF FORESTS,
   ENVIRONMENT AND ECOLOGY,
   REPRESENTED BY ITS SECRETARY,
   M.S.BUILDING,
   BANGALORE-560001.

2. THE PRINCIPAL CHIEF
   CONSERVATOR OF FORESTS
   ARANYA BHAVAN, 18TH CROSS,
   MALLESWARAM,
   BANGALORE-560003.

3. THE CHIEF CONSERVATOR OF FORESTS (IN-
   CHARGE)

CNR: KAHC010379602021

SHIVAMOGGA CIRCLE VIDYANAGAR,
SHIVAMOGGA,
KARNATAKA - 577203.

…RESPONDENTS

(BY SRI. S.C. DESHMUKH, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 30/08/2021 PASSED BY THE HON BLE KARNATAKA ADMINISTRATIVE TRIBUNAL IN APPLICATION NO. 871/2019 (AT ANNEXURE - A) AND THE IMPUGNED ORDER DATED 23/01/2019 PASSED BY THE 3RD RESPONDENT (AT ANNEXURE - A36), ISSUE A WRIT OR ORDER IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 30/08/2021 PASSED BY THE HON BLE KARNATAKA ADMINISTRATIVE TRIBUNAL IN APPLICATION NO. 871/2019 (AT ANNEXURE - A) IN SO FAR AS IT PERTAINS TO THE REJECTION OF CONTINUANCE OF THE SERVICES OF THE PETITIONER AND THE IMPUGNED ORDER DATED 23/01/2019 PASSED BY THE 3RD RESPONDENT (AT ANNEXURE - A36), CONSEQUENTLY AND ETC.

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

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

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ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Aggrieved by the order passed by the Karnataka State Administrative Tribunal at Bengaluru in Application No.871/2019 dated 30.08.2021, the applicant therein filed this writ petition seeking for setting aside the impugned order.

2. Heard Smt.Anupama Hegde, learned counsel for the petitioner as well as Sri.S.C.Deshmukh, AGA, who represented the respondents.

3. The case of the petitioner in nutshell as borne by record is that Government of Karnataka undertook the project of Western Ghats Forestry and for that purpose 248 posts were created, out of which, 21 posts were earmarked for Data Entry Operators. Petitioner was one among the appointees to the post of Data Entry Operator. She was appointed through order dated 24.02.1997. The appointment was only till 31.03.1998. However, the

project continued beyond 01.04.1998, and thus the services of the petitioner continued from time to time. Subsequently, a direction was issued by respondent No.1 through letter dated 06.01.2003 to abolish the post of Data Entry Operator. On that, petitioner approached Karnataka State Administrative Tribunal by filing Application No.888/2003 seeking to quash the letter dated 06.01.2003 and also the letter dated 21.01.2003. The Tribunal by order dated 14.09.2015 directed respondents to consider continuation of service of the petitioner as Data Entry Operator subject to availability of such post. After several communications, second respondent passed an order on 30.12.2017 to continue the services of the petitioner in the cadre of Typist. However, the Forum for Eradication of Corrupt Civil Servants (R) and others gave a complaint against the petitioner. On that the matter was inquired into and finally third respondent issued notice to the petitioner to submit her reply as to why her appointment should not be withdrawn. Finally, on

23.01.2019 orders were passed withdrawing the earlier orders dated 30.12.2017 and 27.02.2018.

4. Making her submission on the merits of the matter, learned counsel for the petitioner contended that the petitioner was appointed as Data Entry Operator on merit basis. She continued her service without any blemish. As per the orders of the Administrative Tribunal in Application No.888/2003, respondents considered the request of the petitioner to continue her service and appointed her as Typist. However, subsequently her appointment was unilaterally withdrawn, which is impermissible under law. Learned counsel also states that without observing the genuineness in the case of the petitioner, the application filed i.e. Application No.871/2019 was dismissed by the Tribunal and therefore setting aside the order of the Tribunal, a direction may be issued to the respondents to appoint the petitioner as Typist.

5. Opposing the submission thus made, learned AGA submitted that the appointment of the petitioner as Data Entry Operator was temporary. She was appointed for attending the work during implementation of the Western Ghats Forestry Project and on completion of the purpose, her services were terminated. Petitioner without any basis filed Application No.888/2003 before the Tribunal. Tribunal directed the respondents to continue the service of the petitioner subject to availability of any post. However, respondents took that order as a mandate and gave appointment. Indeed such appointment is against the judgments rendered by the Hon'ble Apex Court in respect of giving appointments to individuals in sanctioned posts without following the Rules and Regulations. After a complaint was received regarding appointment of the petitioner, respondents enquired into the issue and realizing that the services of petitioner cannot be continued, gave notice to her and after going through the explanation given by her, her services were terminated

and thus Tribunal rightly dismissed the application filed by the petitioner.

6. It is pertinent to note that the appointment of the petitioner as Data Entry Operator was purely temporary and agreeing with such temporary appointment she joined into service. On accomplishment of the purpose for which she was appointed, steps were taken to discontinue her. However, she approached the Tribunal and got an order. Even the order passed in her favour i.e. orders in Application No.888/2003 only directed respondents to look into the issue of continuity of her service subject to availability of any post. Considering these aspects, Tribunal at para 19 of the impugned order observed as under:

> *"After the directions of the Tribunal which reads, 'considering the same the respondents are directed to consider the continuance of the services of the applicants as Data Entry Operator subject to availability of any post to accommodate the applicant', the Government clearly directed the PCCF to give an*

endorsement to the applicant that she cannot be considered as a DEO for want of the sanctioned post in the Department. However, hanging on to the observations of the Tribunal much time has been spent on the issue of appointment of the applicant. The order issued on 30.12.2017 states that the applicant is continued against a permanent post of typist in the pay scale of 11600/- 21000/- with basic pay of Rs.11,600/- with effect from 1.11.2017. The order is worded contrary to the usual practice of 'appointed against the sanctioned post of ....'. The ambiguity in this order clearly shows that there was no appropriate and absolute direction to appoint the applicant."

7. Petitioner failed to establish that she is entitled for regular appointment. Petitioner cannot seek appointment to a sanctioned post of typist on the ground that she served as Data Entry Operator on temporary basis for considerable period. Therefore, we find no grounds to interfere with the observations made and the ultimate decision taken by the Tribunal. Thus, the writ petition is devoid of merits.

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8. Resultantly, following

ORDER

Writ petition is dismissed.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 17