

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ON THE 30TH DAY OF SEPTEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION NO.12499 OF 2010(S-RES)

BETWEEN:

Mr.C.Naveen Kumar
Aged about 26 years
S/o M.Chidanandappa
R/a H.No.17, Bldg.No.117,
K.H.B.Colony,
Kengeri Satellite Town,
Bangalore – 560 060.

...PETITIONER

(By Sri G.S.Naveen Kumar, Advocate for
M/s.S.B.Mukkannappa & Associates, Advocates)

AND:

1. The Chairman
Bangalore Water Supply and
Sewerage Board,
Cauvery Bhavan, K.G.Road,
Bangalore – 560 009.

2. The Chief Administrative Officer
And Secretary,
Bangalore Water Supply and
Sewerage Board,
Cauvery Bhavan, K.G.Road,
Bangalore – 560 009.

Amendment as per Court order dated 25.2.2011

3. Chetan K.V.
Aged about 26 years
S/o Vasudev K.S.
C/o Manjunath
#17, Veerabhadra Swamy
Nilaya, Javaregowda Doddi,
Main Road, Kerepalya,
Hosakerehalli,
Bangalore – 560 085.
4. Vinutha D.S.
Aged about 26 years
D/o Shivalingaiah
R/o D.A.Kere at and Post,
Maddur Taluk,
Mandya District – 571 422.
5. Ravi Ojanahalli
Aged about 26 years
S/o Naganagouda Ojanahalli,
R/o N.B.Ojanahalli Old Bazar Road,
Yelburga District,
Koppal – 583 236.
6. Nishat Afreen Belwadi
Aged about 26 years

S/o Abdul Rahman,
R/o II Cross, JCRE Extension,
Near K.P.School,
Chitradurga – 577 501.

7. H.K.Thippesha
Aged about 26 years
S/o S.Kumaraiah
Inspector of Legal Metrology
R/o#21, 4th Main, 8th Cross,
Malleshwaram,
Bangalore – 560 003.

8. Prakash Satenahalli
Aged about 26 years
S/o Veerabhadrappe,
R/o #Janata Plot,
Haunsbhavi Taluk,
Hirekerur District,
Haveri – 581 109.

9. Ramurthy K.L
Aged about 26 years
S/o Lakshmanappa,
R/o Kembalinganahalli,
Hoskote Taluk,
Bangalore Rural District.
Pin:562 114.

...RESPONDENTS

(By Sri K.T.Mohan, Advocate for R2
Sri R.B.Contractor, M.G.Contractor for R8
Sri S.V.Shastri, Advocate for R3, R4 & R9
R1, R5, R6 & R7-Served)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quashing the impugned notification bearing dated 08.04.2010 published by the 1st Respondent vide Annexure-D to the writ petition, in so far as it relates to non selection of the petitioner for the post of assistant Engineer (Civil) under the reasons set out in the documents verification result for the post of Assistant Engineers (Civil) under the facts and circumstances of the case.

This Writ Petition coming on for hearing this day, the Court made the following:-

ORDER

The case of the petitioner is that he had applied for the post of Assistant Engineer (Civil) with the respondent-Bangalore Water Supply and Sewerage Board, in response to the recruitment notification issued by the respondent.

2. The case of the petitioner is that he has secured an aggregate percentage of 54.36% and the cut-off marks of the candidates in the provisional selection list is 50.27%. Therefore, the present writ petition seeking to question the provisional selection list vide Annexure-D, dated 08.04.2010.

3. Thereafter, by an application the writ petition was amended, seeking to add additional grounds and an additional prayer. In terms of the additional prayer, the petitioner sought to question the final selection list published by the respondents dated 12.05.2010, vide Annexure-G to the writ petition. The same was allowed. Consequently, respondent nos. 3 to 9 were added on as respondents to the writ petition, since they were selected in terms of Annexure-G.

4. The case sought to be made out by the petitioner is that the petitioner ought to have been

selected under the General Merit (Rural) Category. However, he has been considered under the General Merit Category alone. That this is the flaw committed by the respondents. That if the petitioner was considered in the General Merit (Rural) Category, as he has obtained a higher percentage of marks, he would necessarily have to be appointed in preference to respondent nos. 3 to 9.

5. On the other hand, Shri.K.T. Mohan, learned counsel appearing for respondent-Board defends the impugned action. He contends that the plea of the petitioner cannot be accepted. That the selection was made on the basis that the petitioner is a General Merit Candidate and that there is no material to show that he falls under the General Merit (Rural) Category. Under these circumstances, considering his candidature as General Merit (Rural) Category does not arise. In terms of the entitlement, he has been considered as a General

Merit Candidate. Hence, there is no error in the impugned order. That the writ petition be dismissed

6. Shri.S.V.Shastri, learned counsel appearing for respondent nos.3, 4 and 9 supports the said contentions. Counsel for R8 is absent. The rest of the respondents are served and unrepresented.

7. On hearing learned counsels, I am of the considered view that there is no merit in the writ petition.

8. The plea of the petitioner is that he has secured more marks and hence he should have been appointed as a General Merit (Rural) Candidate. That the cut off marks of General Merit (Rural) Candidates selected are far less than the marks obtained by the petitioner. Therefore, it is an abject failure on the part of the respondent.

9. Annexure-C is the document issued by the Special Tahsildar, dated 01.09.2007, that the petitioner belongs to the General Merit Category. In the face of such a certificate the respondent could not have considered him as General Merit (Rural) Candidate. Even assuming the plea of the petitioner that he falls under the General Merit (Rural) Category, he would necessarily have to show appropriate material to substantiate the same. He has failed to do so. No submissions are forthcoming to support him as a General Merit (Rural) candidate. Apparently, it has only remained a contention without any material. Not only that, in the face of Annexure-C the petitioner cannot be treated as any other category other than a General Merit Candidate. It is undisputed that if he is considered as a General Merit Candidate he would not qualify for the appointment.

10. Under these circumstances, I do not find any merit in the writ petition. Consequently, the writ petition being devoid of merits is dismissed.

11. Rule discharged.

Sd/-
JUDGE

JJ