

**IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH**

Dated this the 17<sup>th</sup> day of March 2020

Before

**THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD**

Writ Petition No.145295 of 2020 (GM-CC)

Between

J.Shivashankar,  
S/o J. AkkannaBabu,  
Aged about 30 Years,  
Residing at Type-B/814  
South Block,  
Donimalai  
Sandur Taluq,  
Ballari District.

...Petitioner

(By Sri. T. Hanumareddy, Advocate)

A n d

1. The Deputy Commissioner,  
Ballari District, and Chairman,  
District Caste Verification Committee  
D.C. Office,  
Ballari District,  
Opp. to Railway Station,  
Ballari-583 101.
2. The District Officer,  
Backward Classes Welfare Department,  
Ballari District,

Office Of Ballari D.C.,  
Opp. to Railway Station,  
Ballari-583 101.

3. The Tahsildhar,  
Sandur Taluq,  
Sandur,  
Ballari District-583 119
4. National Mining Development  
Corporation Limited,  
Represented by its  
The Deputy General Manager (Personnel)  
Donimalai Iron Ore Mine,  
Donimali Township,  
Ballari District-583 118. ...Respondents

(By Sri. Gangadhar S.Hosakeri, AGA for R1 to R3)

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari or any other writ by quashing the impugned order passed by respondent No.1 in case No.Sam.Him.V.Ka.E./OBC/CR-04/2016-17 dated 29.01.2020 (Annexure-AA); and grant costs of these proceedings.

This Writ Petition coming on for Preliminary Hearing, this day, the Court made the following:

**ORDER**

The learned counsel for the petitioner and the learned Additional Government Advocate, who accepts notice for respondent Nos.1 to 3, are heard.

2. After being heard for some time, the learned counsel for the petitioner submits that the petitioner may be permitted to withdraw this writ petition without prejudice to pursue the appeal remedy available under Section 4-D of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointments, etc.) Act, 1990 (for short, '*the Act*').

3. The impugned order is an order passed by the District Caste Verification Committee after conducting the proceedings as contemplated under Section 4-C of the Act and therefore, this order would be appealable under Section 4-D of the Act. The petitioner

has an alternative efficacious remedy under the Act. As such, the **writ petition is disposed of** with liberty to the petitioner to file appropriate appeal as aforesaid observing that if such appeal is filed, the appellate Authority shall consider the same on merits without being influenced by the disposal of the writ petition.

Office is directed to return the certified copy of the impugned order at Annexure-AA by retaining a photocopy of the same.

**Sd/-  
JUDGE**

Kms