



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

**DATED THIS THE 19<sup>TH</sup> DAY OF JUNE, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE PRADEEP SINGH YERUR**

**WRIT PETITION NO. 102354 OF 2023 (GM-CC)**

**BETWEEN:**

SHRUTI D/O. VIJAYAKUMAR BODLI,  
W/O. VINAYAK NIDONI,  
AGE: 32 YEARS, OCC: NIL,  
R/O: MAPPAYANMATH BUILDING OPPOSITE:  
VRCES SCHOOL, RAMAPUR SITE, SAVADATTI,  
TQ: SAVADATTI, DIST: BELAGAVI VI-591126.

...PETITIONER

(BY SRI IRANAGOUDA K. KABBUR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF BACKWARD CLASSES,  
WELFARE DEPARTMENT, VIDHANA SOUDHA,  
BENGALURU-560 001.
2. SECRETARY,  
DEPARTMENT OF PRIMARY AND  
SECONDARY EDUCATION,  
M.S. BUILDING,  
DR. AMBEDKAR VEEDHI,  
BENGALURU-560 001.
3. SECRETARY TO GOVERNMENT,  
DEPARTMENT OF PERSONAL AND  
ADMINISTRATIVE REFORMS,  
VIDHANA SOUDA, BENGALURU-560 001.





4. CENTRALIZED ADMISSION CELL,  
REPRESENTED BY ITS SPECIAL OFFICER,  
OPPOSITE KAVERI BHAVAN,  
BENGALURU-560 002.
5. THE DISTRICT OFFICER,  
BACKWARD CLASSES WELFARE DEPARTMENT,  
BELAGAVI, DIST: BELAGAVI-590001.
6. THE SELECTION AND APPOINTMENT AUTHORITY  
AND DEPUTY DIRECTOR OF PUBLIC INSTRUCTION,  
DEPARTMENT OF PUBLIC INSTRUCTIONS,  
BELAGAVI, DISTRICT: BELAGAVI-590001.

...RESPONDENTS

(BY SRI PRASHANT V. MOGALI, HCGP FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI FOR QUASHING THE ENDORSEMENT NO. SUM:E3/PAPRASHASHI//JIPITI-2022/1:1TA.PA.AA/ HIMBARAHA/ 2022-23/3916, DATED 12/12/2022, ISSUED BY THE SIXTH RESPONDENT VIDE ANNEXURE-A; ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTIONS DIRECTING RESPONDENT NO. 6 TO CONSIDER THE CANDIDATURE OF THE PETITIONER UNDER CATEGORY 3A, AS PER THE CERTIFICATES ISSUED BY THE COMPETENT AUTHORITY/TAHASILDAR, VIDE ANNEXURE-B AND CONSEQUENTIALLY DIRECT THE RESPONDENT NO. 6 TO REGULATE/REVISE THE 1:1 MAIN SELECTION LIST DATED 08/03/2023 BY INCLUDING THE CANDIDATURE OF THE PETITIONER; IT MAY BE DECLARED THAT THE ACTION OF THE SIXTH RESPONDENT, IN HOLDING THAT THE PETITIONER IS NOT ELIGIBLE FOR THE RESERVATION UNDER CATEGORY 3A, CLAIMED BY HER AS SHE HAS NOT PRODUCED CASTE CERTIFICATE OF THE HER MARITAL HOME, IS WHOLLY ILLEGAL, VIOLATIVE OF THE FUNDAMENTAL RIGHTS GUARANTEED TO THE PETITIONER UNDER ARTICLE 14, 15 AND 21 OF THE CONSTITUTION OF INDIA; ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTIONS DECLARING THE ACTION OF THE RESPONDENT NO. 6 IN CHANGING THE CATEGORY OF THE



PETITIONER FROM 3A TO GM AS HIGHLY ARBITRARY ILLEGAL, BAD IN LAW AND VIOLATIVE OF ARTICLE 14, 15 AND 21 OF THE INDIAN CONSTITUTION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Heard learned counsel Sri Iranagouda K. Kabbur for the petitioner and learned HCGP for the respondents.

2. Petitioner has filed this petition seeking to quash the endorsement dated 12.12.2022 issued by the 6<sup>th</sup> respondent/Deputy Director of Public Instructions, Belagavi being arbitrary, illegal and bad in law. Consequently, the petitioner seeks a writ of mandamus for a direction to the 6<sup>th</sup> respondents to consider the candidature of petitioner for the category under III-A as per the certificates issued by the Tahashildar and for other consequential reliefs.

3. It is a case of petitioner that after completion of her B.Sc. and B.Ed. she was eligible for appointment to the post of Graduate Primary School Teacher for 6<sup>th</sup> to 8<sup>th</sup>



standards having secured the necessary requisite education qualifications. Petitioner belongs to 'Banajiga' community applied for the recruitment to the notification floated by the State Government calling for applications for the post of Graduate Primary School Teacher for 6<sup>th</sup> to 8<sup>th</sup> classes, the petitioner filled her application through online submission and sought for benefit of reservation, but due to the technical problem and oversight petitioner had mentioned her category as GM. After the petitioner realized her error and typographical mistake, she submitted the relevant documents of her reservation category of III-A caste certificate, which was acknowledged by respondent No.6 as per Annexure- D1.

4. After filling up of application and having taken the written examination the petitioner secured a merit score of 69.81807 accordingly she was placed on 1:2 verification list at Sl.No.100 and shown as qualified for document verification. However, the 6<sup>th</sup> respondent had not addressed the grievance of the petitioner by placing her in



the category of III-A but showed her in the category GM/KA. Thereafter, the petitioner appeared for 1:2 documents verification before the 6<sup>th</sup> respondent, wherein she submitted her caste and income certificate of her father, though she was married she did not submit the caste and income certificate of her spouse. Despite such submission of the relevant record respondent No.6 has issued an endorsement transferring the petitioner to category of 'GM' as against the reserved category which the petitioner belongs on the ground that "as candidate married and produces the income and caste certificate of her father would be treated as GM".

5. Being aggrieved by the action of respondent No.6 and her name being shown as 'GM' category instead of 'III-A' category, she gave a representation to the 6<sup>th</sup> respondent. Without considering the merit of the application and ignoring the reasons stated therein 6<sup>th</sup> respondent issued an endorsement dated 12.12.2022 at Annexure-A and rejected her claim. Some of the



candidates similarly placed as that of the petitioner approached this Court being aggrieved by the similar grievance of category being not shown correctly and this Court allowed the said Writ Petition No.23752/2022 (GM-CC) and quashed the provisional selection list earlier. Thereafter, the petitioner filed her objections on 03.03.2023, the respondent without considering the objections filed by the petitioner issued an endorsement of main selection list 1:1 on 8.03.2023, but it is seen an endorsement is issued on 07.03.2023 by respondent No.6 rejecting the claim of petitioner on the ground that online application filled by the petitioner cannot be interfered and meddled with. It is the contention of learned counsel for the petitioner that the action of respondents in rejection of claim of petition and issued a main selection list of 1:1 ratio dated 08.03.2023 is illegal, arbitrary, unsustainable and violation of principles of natural justice and against the equalities and Article 14 of the Constitution of India, due to this illegality and arbitrariness by respondents, the petitioner is before this Court seeking to allow the petition



and consequentially direct the respondents to consider the case of petitioner in the category of III-A rather than GM and include her name in the main selection list. Learned counsel for the petitioner relies on the following judgments in support of his case.

(1) One Judgment of coordinate bench of this Court in **WP.No.24847/2022 (GM-CC) 31.01.2023.**

(2) Another one in the case of **Dolly Chhanda vs. Chairman, JEE and Others,** reported in **(2005) 9 SCC 779.**

6. *Per Contra*, learned HCGP representing the respondents vehemently contends that the writ petition is not maintainable as alternative remedy is available. He also contends that the petitioner has suppressed the material facts and misrepresented the facts and has not challenged the Gazette Notification issued by the State Government so also the rejection of the claim of petitioner vide endorsement dated 07.03.2023. On these grounds, he seeks dismissal of the writ petition. He also contends



that in view of respondents having already considered the case of the petitioner having issued the endorsement at Annexure-A and published the main selection list and having called for verification, the claim becomes redundant and insignificant. Further, he contends that since the main list has been published consideration of case of petitioner would open up the 'can of worms' and plethora of litigations would flood this court.

7. Learned HCGP further contends that in the online filling up of application, the petitioner has not mentioned the reservation category in which she belongs to, for which the petitioner thereafter submitted a representation to include her name in the category of III-A, which came to be rejected by an endorsement dated 12.12.2022 by the Deputy Director of Public Instructions, Belagavi, which was the said provisional list came to be challenged and accordingly by an order of this Court in Writ Petition No.23752/2022 on the direction of this Court a fresh provisional list is ordered to be issued. Accordingly,





respondents are issued fresh provisional list on 27.02.2023. Thereby calling upon the applicants to file objections, if any, the petitioner had filed her objections to the provisional selection list on 03.03.2023, which came to be rejected by issuing an endorsement dated 07.03.2023 by respondent No.6. Learned HCGP contends that the rejection of claim of the petitioner is on the ground of Gazette Notification dated 21.03.2022, which at para 22(7) reads as under :

„7. ಅಭ್ಯರ್ಥಿಯು ಆನ್‌ಲೈನ್ ಅರ್ಜಿಯಲ್ಲಿ ನೀಡಿರುವ ಮಾಹಿತಿಯು ಅಂತಿಮವಾಗಿರುತ್ತದೆ. ನಂತರದಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿಗಳ ಬದಲಾವಣೆಗೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಆನ್‌ಲೈನ್ ಅರ್ಜಿಯಲ್ಲಿನ ಅಭ್ಯರ್ಥಿಗಳ ಮಾಹಿತಿ ಬದಲಾವಣೆ ತಿದ್ದುಪಡಿ ಕುರಿತಂತೆ ಯಾವುದೇ ಮನವಿಯನ್ನು ಸ್ವೀಕರಿಸುವುದಿಲ್ಲ.”

8. Learned HCPG takes this Court to the said Gazette Notification which states that online application made by the applicant would be final and no further amendments or corrections would be accepted. It is further contended by learned HCGP that pursuant to the rejection of claim of the



petitioner, the main final selection list has been finalised and the same is also published in the newspaper and presently it is at the stage of calling for verification of the main list candidates and that there is no chance for changing the procedure or the proceedings of appointment of the Teachers at this stage. He contends that if indulgence is shown to the petitioner, it would open up pandora's box, wherein it will lead to multiplicity of proceedings and open up the flood gate to litigations before this Court. On these grounds, he seeks to dismiss the writ petition.

9. I have heard the learned counsel for the petitioner as well as learned HCGP for respondent/State.

10. The point for consideration before this Court is, whether the action of the respondents/State is in accordance with law, considering the catena of judgments decided by the Hon'ble Apex Court and this Court with regard to the inclusion of the names of candidates belonging to the reserved categories or otherwise and



correction of typographical errors. There is no dispute with regard to the fact that the petitioner belongs to III-A category. The initial rejection of petitioner's claim by the respondents is on the ground by virtue of Annexure-A dated 12.12.2022 pursuant to which, several objections were filed for cancellation of provisional list on the ground of reserved categories questioning the non inclusion of the relevant categories, which came to be allowed by this Court and a direction was issued and formulate the fresh provisional selection list also came to be issued, which was issued on 27.02.2023, this list does not contain the name of petitioner. Rejection of the petitioner's claim is initially on the ground that she has furnished the father's income certificate and not that of her spouse. Thereafter, when the second provisional list came to be published and called for objections by the respondents, objections came to be filed by the petitioner by furnishing her caste certificate. The same has been negatived by the respondents by issuance of endorsement dated 07.03.2023 on the ground that the petitioner is barred under the Government



Gazette Notification at paragraph No.22(7) which reads that there cannot be any further consideration pursuant to filling up of the application through online process and thereafter rejected the claim of the petitioner. The law on this point is clearly established by this Court in the case of ***Dolly Chhanda's*** (supra), wherein it is held that when there is any error committed by the applicant with regard to the caste certificate, the authorities are not required to take hyper technical approach rigid attitude and will have to consider the objections or representations made by the applicant/petitioner. As stated by him earlier, there is no dispute with regard to the petitioner belonging to III-A category. There is an error while submitting online application on 21.04.2022 through online portal, wherein she submitted her category as 'GM' instead of 'III-A', which immediately sought to rectify after a period of six months on 14.10.2022 which is acknowledged by the respondents. It is however not the case of respondents that they have not received the objections from the petitioner. Pursuant to these objections and the



certificates having been produced by the petitioner, respondents rejected the claim of petitioner on the ground that the application which is once filled online cannot be meddled or accepted as per the Government Gazette Notification at sub para (7) of paragraph No.22. Admittedly, the petitioner has 69.81807 merit score, whereas the main selection list the candidate who was selected under the category III-A (Women) at Sl.No.101 has secured 68.84712 merit score, which is lower than merit score of petitioner and so also others who have secured merit score lesser than that of the petitioner. Under these circumstances, the petitioner who is rightfully eligible to be considered under reserved category III-A and having secure merit score higher than that of the candidate in the main list has been rejected on the sole ground of technical error of not filling the application properly is hard to digest and may not be intent of the legislature or the appointing authority to take and select the best candidate for the post suitable job that too in the case of Teachers post for Graduate Primary School for 6<sup>th</sup>



to 8<sup>th</sup> classes. Under the circumstances, I am of the opinion that the petitioner has made out a valid case for interference at the hands of this Court. Accordingly, I pass the following :

ORDER

(a) Writ petition is allowed.

(b) The endorsement issued on 12.12.2022 by the 6<sup>th</sup> respondent at Annexure-A is quashed so also the subsequent endorsement issued on 07.03.2023 though not challenged is quashed.

(c) Writ of mandamus is issued to the respondents to consider the candidature of the petitioner under category III-A in accordance to the certificate issued by the competent authority / Tahashildar, which is already given to the respondents in the special facts and circumstances of the case



and to include the name of petitioner in the  
main selection list.

Accordingly, carry out corrections or inclusions  
according to the procedure known to law.

This petition is restricted only with regard to the  
petitioner who is before this Court.

**SD/-  
JUDGE**

CKK