



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

DATED THIS THE 3RD DAY OF JULY, 2023

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 201766 OF 2023 (LB-ELE)

BETWEEN:

TANUSHREE W/O SHARANGOUDA
AGE: 36 YEARS, OCC: MEMMBER OF
GRAM PANCHAYAT HUNSHYAL,
R/O. CHATNALLI VILLAGE,
TQ: DEVARAHIPPARAGI,
DIST: VIJAYAPURA

...PETITIONER

(BY SMT. HEMA L. KULAKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF PANCHAYAT RAJ,
VIDHAN SOUDHA, BANGALORE-01
BY ITS SECRETARY
2. THE STATE ELECTION COMMISSIONER
CUNNINGHAM ROAD, BANGALORE-01
3. THE DEPUTY COMMISSIONER
VIJAYAPURA, DIST: VIJAYAPURA-586101
4. THE GRAM PANCHAYAT, HUNSHYAL
TQ: DEVARAHIPPARAGI,
DIST: VIJAYAPURA-586101
REPRESENTED BY PDO

...RESPONDENTS

(BY SRI SHIVAKUMAR R. TENGLI, AGA FOR R1 AND R3;
SRI AMRESH S. ROJA, ADVOCATE FOR R2;
SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE FOR R4)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ONLINE COPY OF NOTIFICATION DATED 14.06.2023 ISSUED BY RESPONDENT NO.3, TO THE EXTENT OF HUNSHYAL GRAM PANCHAYAT, DEVARAHIPPARAGI TALUKA, AS PER ANNEXURE-D AND ETC.

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

ORDER

1. Learned Additional Government Advocate accepts notice for respondent Nos.1 and 3. Sri.Amresh S. Roja, learned counsel accepts notice for respondent No.2. Smt.Ratna N. Shivayogimath, learned counsel accepts notice for respondent No.4.
2. The petitioner is before this Court seeking for the following reliefs:
 - a. *Issue a writ of certiorari quashing the impugned online copy of notification dated 14.06.2023 issued by respondent No.3, to the extent of Hunshyal Gram Panchayat, Devarahipparagi Taluka, as per Annexure-D, in the interest of justice and equity.*
 - b. *Issue writ of mandamus directing the respondents to reserve the post of Adhyaksya for ST(women or men) category for Hunshyal*



Gram Panchayat, Devarahipparagi Taluka, in the interest of justice and equity.

c. Issue any writ, order or directions as this Hon'ble Court deems fit in circumstances of case, in the ends of justice."

3. The grievance of the petitioner is that from the inception, the post of Adhyaksha of Hunshyal Gram Panchayat has not been reserved for Schedule Tribe category. It is aggrieved by the same that the petitioner is before this Court seeking for the aforesaid reliefs.
4. Learned Additional Government Advocate submits that if representation is submitted regarding the same, it would be considered by respondent No.3.
5. In that view of the matter, learned counsel for the petitioner submits that such a representation would be submitted within two days from today.
6. As such, I pass the following:



ORDER

- i. The Writ Petition is ***partly allowed***.
- ii. Respondent No.3 shall consider the representation to be submitted by the petitioner within two weeks from the date of such submission, at any rate, prior to issuance of calendar of events.

Sd/-
JUDGE

NB
List No.: 1 Sl No.: 50