VERDICTUM.IN

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT APPEAL NO.100608 OF 2024 (GM-CC)

BETWEEN:

THE COMMANDANT,
CISF, 4TH RES BN, SIVAGANGAI,
P.O. SIVAGANGI, TAMIL NADU - 630 301.

...APPELLANT

(BY SRI. VENKATESH M. KHARVI, DSGI)

AND:

1. SHRI. VIRUPAXAGOUDA
S/O. YELLAPPAGOUDA KAREPPAGOUDRA,
AGE: 34 YEARS, OCC: CONSTABLE CISF,
R/O: PRESENTLY RESIDING AT CISF, 4TH RB QUARTERS,
NO.70, E – BLOCK, TYPE –II, AMARAVATHIPUDUR,
KARIKUDI TALUK, SIVAGANGAI DISTRICT,
TAMIL NADU – 630 301,
REP. BY POWER OF ATTORNEY HOLDER,
SHRI. YALAPPAGOUDA
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: ROTTIGWAD, KUNDGOL, DIST: DHARWAD.

2. THE STATE OF KARNATAKA,
REP. BY THE DEPUTY COMMISSIONER,
DHARWAD – 580 021.

3. DISTRICT COMMISSIONER AND PRESIDENT
DISTRICT CASTE AND INCOME VERIFICATION
COMMITTEE, DHARWAD – 580 021.

...RESPONDENTS

(BY SRI. PRASHANT S. HOSAMANI A/W
MS. VIDYASHRI N. MULIMANI, ADVOCATE FOR R1;
SRI. SHARAD V. MAGADUM, ADVOCATE FOR R2 & R3)

VERDICTUM.IN

CNR: KAHC020196172024

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE ABOVE APPEAL FILED BY THE APPELLANTS THEREBY SETTING ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO. 104460/2022 DATED 19.02.2024 AND THEREBY DISMISS THE SAID WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MRS JUSTICE HEMA KULKARNI

ORAL JUDGMENT

(PER: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**)

1. The appellant-Commandant, CISF is before the Court calling in question an order of the learned Single Judge in Writ Petition No.104460 of 2022, whereby the learned Single Judge allows the petition and issues certain directions for compliance.

2. The 3RD respondent before the learned Single Judge has filed the present appeal.

3. Heard the learned DSGI Sri.Venkatesh M Kharvi appearing for the appellant, learned counsel Sri.Prashant Hosmani for the respondent No.1 and learned Addl. Government Advocate for respondents No.2 and 3/State.

4. The facts adumbrated are as follows:

VERDICTUM.IN

4.1 The 1st respondent is issued with a caste certificate showing his caste to be a "Reddy". On the strength of the said Caste Certificate, it transpires that the 1st respondent secures an appointment with the appellant-CISF. In furtherance of the selection process, an appointment order was issued in favour of the 1st respondent on 23.06.2009, after which the documents of the 1st respondent stood verified. On 07.09.2018, it transpires that the Tahsildar submits a report that the 1st respondent is "Hindu Reddy" and comes under the Category-3A. It is then the communication is made by the Deputy Commissioner addressing his letter to the appellant on 08.08.2022. By then, 13 years have passed by after the appointment of the 1st respondent. The impugned action is called in question before the learned Single Judge in Writ Petition No.104460 of 2022. The learned Single Judge allows the petition by setting aside the impugned action on the score of the delay in holding that the Caste Certificate of the 1st respondent was not genuine.

5. Learned DSGI Sri.Venkatesh M Kharvi would vehemently contend that the appointment is secured on a certificate that was false/bogus, as the 1st respondent does not

VERDICTUM.IN

come within the definition of "SC/ST" as the case would be, but is a person belonging to Category-3A, therefore, the appointment of the 1st respondent was erroneous. He would admit that there has been certain laxity on the part of the officers, who have verified the caste status of the 1st respondent immediately after appointment. But on a complaint registered by some employee, the caste certificate was re-verified and the truth is now out. By then, he would admit that 14 years have passed by.

6. Per contra, Sri. Prashant Hosmani, learned counsel appearing for the 1st respondent would refute the submissions and support the order passed by the learned Single Judge.

7. We have given our anxious consideration to the submissions made by the learned counsel for the respective parties and perused the impugned order of the learned Single Judge.

8. The issue is, whether in this intra-Court appeal, the order of learned Single Judge warrants appropriate interference.

VERDICTUM.IN

9. The order of the learned Single Judge reads as follows:

> 1. The petitioner is before this Court seeking the following reliefs:
>
> *i. Issue a writ in the nature of certiorari or any other order or direction and quash the letter dated 08/08/2022 bearing No. BCWD/OBC/CR-62/2018-19/716 issued by the 2nd respondent produced at ANNEXURE-D in the interest of justice and equity.*
>
> *ii. Grant such other order of orders as this Hon'ble court may deem fit in the circumstances of the case in the interest of justice and equity.*
>
> 2. The petitioner belonged to Hindu-Reddy caste had applied for and obtained a caste certificate from the Tahasildar, Kundgol on 04.12.2008 as that belonging to OBC category-III(A) and thereafter, applied for the post of constable in the Central Industrial Security Force (hereinafter referred to as 'CISF' for brevity). On successful completion of selection process, he was appointed as a constable.
>
> 3. The caste certificate submitted by the petitioner were sent for verification when the Tahasildar, Kundagol visited the village of the petitioner, caused enquiry and issued an endorsement that the caste certificate produced are proper and correct.
>
> 4. Subsequently, on 08.08.2022, respondent No.2-District Commissioner & President District Caste and Income Verification Committee, Dharwad being of the belief that caste certificate submitted by the petitioner was not genuine. Vide his impugned order dated 08.08.2022, wrote a letter to the Commanding Officer of the petitioner stating that Hindu-Reddy category-III(A) was not included in the list notified by the Government of India. It is challenging the same, the petitioner is before this Court seeking for the aforesaid reliefs.

VERDICTUM.IN

5. Sri. Prashant S.Hosmani, learned counsel for the petitioner would submit that the caste certificate having been issued in favour of the petitioner way back on 04.12.2008 and the petitioner having been appointed on 23.06.2009, the said certificate having been sent for verification, the jurisdictional Tahasildar had submitted a report on 31.08.2018 that the certificate issued to the petitioner is proper and correct and the same could not be reviewed by respondent No.2 vide his order dated 08.08.2022 at Annexure-D and deprived the petitioner of his employment and in this regard, he relies upon the decision of Hon'ble Apex Court in the case of ***Dattu S/o Namdeo Thakur Vs. State of Maharashtra and Others***[1]***,*** more particularly para Nos.5 and 7, which are reproduced hereunder for easy reference.

> ***"5.*** *Having heard learned counsel for the petitioner(s), as well as the State of Maharashtra, we are of the view that even if we are to accept the findings of the Caste Scrutiny Committee, as also that of the High Court, we cannot ignore the various circumstances that have intervened between the issuance of the 'Caste Certificates' and the cancellation thereof. In fact, reference was made to the Caste Scrutiny Committee in 2009, i.e. nine years after the certificates had been issued, and there is no proper explanation for such delay. On the other hand, the petitioner in the first writ petition has been allowed by the respondents to continue in service and also by virtue of orders passed by the High Court. Similarly, the petitioners in the other two writ petitions have continued their studies after having obtained certain benefits from their 'Caste Certificates'.*
>
> ***7.*** *In support of the case of the petitioner(s), an order passed by another Bench of this Court in C.A.No.7411 of 2010 (Swati Vs. State of Maharashtra & Ors.), on 06-09-2010, was brought to our notice, wherein in similar circumstances, the Court while dismissing the civil appeal, directed that the benefits that had already been enjoyed by the candidate, and the degree obtained by her in the BDS course, which she had completed, would*

[1] ***(2012) 1 Supreme Court Cases 549***

VERDICTUM.IN

continue. The Court further directed that she would not be entitled to any further benefits under the 'Caste Certificates' issued to her and that whatever advantage she may have obtained by way of payment of fees at a reduced rate, were to be made up by her by paying the difference."

6. By relying upon the above decision, he submits that Hon'ble Apex Court has categorically come to a conclusion that a long serving candidate who has been appointed ought not to be disturbed, more so, when there is no proper explanation of such delay.

7. Sri. Mrutyunjaya Tata Bangi, learned counsel for respondent No.3 would submits that insofar as Central Government is concerned for a person to avail reservation in terms of category-III(A), the caste to which the person belongs to is required to be contained in the said central list of OBC issued for the respective States where employment is effected.

8. In the present case, the Tahasildar has obviously mislead himself by referring to the State list where Hindu-Reddy community is indicated in Category-III(A) and has opinioned that the said mentioning of Hindu-Reddy category in the Karnataka list will also suffice for the Central list which is not the case and it is in that background, he submits that the petitioner not being entitled for continuation of reservation, necessary action would be taken by respondent No.3.

9. Learned Additional Government Advocate appearing for respondent Nos.1 and 2 submits that Annexure-E issued by respondent No.2 is proper and correct inasmuch as Hindu-Reddy community is not a part of Central list. The Tahasildar has obviously mislead himself is again the submission of learned Additional Government Advocate.

10. Heard learned counsel for both the parties and perused the papers.

11. The question that would arise in the present case is ***"would a candidate appointed in service and continued in service for a long period of time be deprived of the service on account of a caste***

VERDICTUM.IN

verification certificate issued after nearly 14 years of service indicating the caste certificate to be improper?"

12. In the present case, there is no allegation that the petitioner has either fabricated, forged or concocted the caste certificate. The petitioner has rightly place on record that he belongs to Hindu-Reddy category-III(A), but has claimed benefit of reservation relying on the State list rather than Central list even though the employment is for a central service not of the State service. Since, he was to be appointed with the CISF.

13. Be that as it may, the certificate submitted by the petitioner and the petitioner being appointed on 23.06.2009, the jurisdictional Tahasildar in the year-2018 has also confirmed the said certificate though by referring to the State list rather than Central list, which he was supposed to do. This aspect is sought to be corrected by respondent No.2 in the year-2022. In the meanwhile, the petitioner has worked for nearly 14 years with the CISF. The petitioner's certificate having been held to be genuine and the petitioner coming under category-III(A) by the Tahasildar in the year-2018, it was required to be explained both by the employer and Tahasildar as to why there was a delay of nearly 10 years from the date of appointment of the petitioner, which has not been so explained.

14. Furthermore, even after the Tahasildar has submitted a report in the year 2018, the 2nd respondent has sought to correct the same in the year-2022 and the explanation for the delay of those four years, is also not place on record. Thus, the Hon'ble Apex Court in Dattu's case (*supra*) having held that if there is any unexplained delay, the benefit of long service cannot be taken away, I am of the considered opinion that the said decision would also apply to the present case and come to the rescue of the petitioner.

15. This is not a stray case, there have been several such cases, which have been coming up before this Court on account of the laxity on the part of the officials concerned being both the employer and the verifying authority. In that view of the matter, I am of the

VERDICTUM.IN

considered opinion that general directions would also have to be issued.

GENERAL DIRECTIONS

i) The Principal Secretary, Social Welfare and Backward Classes Welfare Department along with Principal Secretary, e-Government Department are directed to establish a dashboard and/or a system so as to enable any employer to upload the documents submitted by the candidate for verification.

ii) *The Principal Secretary, e-Government Department shall ensure that the e-office now available is also integrated with the above dashboard.*

iii) Any employer appointing or wanting to appoint, a person shall immediately at any rate within 30 days of the receipt of the documents upload the same on to the above dashboard/system.

iv) *The said application/documents to be electronically forwarded to the District Caste and Income Verification Committee for verification with a copy addressed to the jurisdictional Tahasildar.*

v) *The District Caste and Income Verification Committee shall forward the documents for verification to the jurisdictional Tahasildar with relevant noting and remarks.*

vi) The Tahasildar shall carryout the verification of the caste certificate both physically and electronically, prepare a panchanama and upload the same both on the dashboard and the e-office which shall be received by the District Caste and Income Verification Committee within a period of 60 days of such reference.

vii) The District Caste and Income Verification Committee shall verify the report of the Tahasildar and issued a certificate within a period

VERDICTUM.IN

of 30 days thereafter to the employer/prospective employer.

viii) The Principal Secretary, Social Welfare and Backward Classes Welfare Department along with Principal Secretary, e-Government Department is also directed to get educated the concerned as regard the difference of the categorization in the State list and Central list and the requirement thereof so that these kind of wrong verification is not made in future.

ix) The setting up of the dashboard and the implementation of the scheme to be completed within a period of three months from today.

16. Coming back to the matter in issue, I pass the following:

ORDER

i) The writ petition is allowed.

ii) A certiorari is issued, the letter dated 08.08.2022 bearing No.BCWD/OBC/CR-62/2018-19/716 issued by 2nd respondent produced at Annexure-D is quashed.

iii) Though the above petition is disposed, re-list on **03.07.2024 at 2:30 PM** for reporting compliance with general directions.

10. The learned Single Judge follows the judgment of the Apex Court in the case of **DATTU S/O NAMDEV THAKUR v. STATE OF MAHARASHTRA AND OTHERS[2],** which had clearly held that after delay of 9 years, the State could not have taken action against the appellant before the Apex Court.

[2] (2012) 1 SCC 549

VERDICTUM.IN

Likewise, in the case at hand, the learned Single Judge holds that the action could not be taken after 14 years of securing the employment. Therefore, there is no perversity that can be found in the case at hand for this Court to interfere in an intra-Court appeal.

11. It becomes apposite to refer to the judgment of the Apex Court in **BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY v. SCOPE SALES (P) LTD.**[3] which observes as follows:

" …. …. ….

> **13. We must also bear in mind the nature and extent of jurisdiction that an intra-court appellate Bench of a high court exercise. Such appellate jurisdiction is conferred either under the Letters Patent or by the relevant statutory provisions. It is pertinent to note that both - Single Bench and Division Bench - exercise the same jurisdiction under Article 226 of the Constitution. In our view, the exercise of intra-court appellate jurisdiction is warranted only where the judgment or order under challenge is demonstrably erroneous or suffers from perversity. Such jurisdiction ought not to be invoked merely because another view is possible on the same set of facts, particularly where the view adopted by the Single Judge is a plausible and reasonable one. In other words, an intra-court appellate Bench ought not to substitute its own view, merely because such Bench considers its view to be better than the one taken by the Single Bench; so long as**

[3] 2026 SCC Online SC 112

VERDICTUM.IN

the view taken by the Single Bench is a plausible one, interference should stay at a distance.

14. We find it profitable to refer to certain precedents, relevant paragraphs wherefrom are reproduced below:

14.1 In Baddula Lakshmaiah v. Sri Anjaneya Swami Temple, it was held:

> 2. Mr Ram Kumar, learned counsel for the appellants, inter alia contends that the Letters Patent Bench of the High Court could not have upset a finding of fact recorded by a learned Single Judge on fresh reconciliation of the two documents, arriving at different results than those arrived at earlier by the two courts aforementioned. Though the argument sounds attractive, it does not bear scrutiny. Against the orders of the trial court, first appeal lay before the High Court, both on facts as well as law. It is the internal working of the High Court which splits it into different 'Benches' and yet the court remains one. A letters patent appeal, as permitted under the Letters Patent, is normally an intra-court appeal whereunder the Letters Patent Bench, sitting as a Court of Correction, corrects its own orders in exercise of the same jurisdiction as was vested in the Single Bench. Such is not an appeal against an order of a subordinate court. In such appellate jurisdiction the High Court exercises the powers of a Court of Error. So understood, the appellate power under the Letters Patent is quite distinct, in contrast to what is ordinarily understood in procedural language. That apart the construction of the aforementioned two documents involved, in the very nature of their import, a mixed question of law and fact, well within the powers of the Letters Patent Bench to decide. The Bench was not powerless in that regard.
>
> (emphasis ours)

14.2 This Court in Narendra & Co. (P) Ltd. v. Workmen (2016) 3 SCC 340 noted that:

> **5. … Be that as it may, in an intra-court appeal, on a finding of fact, unless the Appellate Bench reaches a conclusion that**

VERDICTUM.IN

> **the finding of the Single Bench is perverse, it shall not disturb the same. Merely because another view or a better view is possible, there should be no interference with or disturbance of the order passed by the Single Judge, unless both sides agree for a fairer approach on relief.**

14.3 On whether a remand could be ordered in exercise of intra-court appellate jurisdiction, this Court in Roma Sonkar v. M.P. State Public Service Commission, (2018) 17 SCC 106, expressed reservations in the following words:

> **3. We have very serious reservations whether the Division Bench in an intra-court appeal could have remitted a writ petition in the matter of moulding the relief. It is the exercise of jurisdiction of the High Court under Article 226 of the Constitution of India. The learned Single Judge as well as the Division Bench exercised the same jurisdiction. Only to avoid inconvenience to the litigants, another tier of screening by the Division Bench is provided in terms of the power of the High Court but that does not mean that the Single Judge is subordinate to the Division Bench. Being a writ proceeding, the Division Bench was called upon, in the intra-court appeal, primarily and mostly to consider the correctness or otherwise of the view taken by the learned Single Judge. Hence, in our view, the Division Bench needs to consider the appeal(s) on merits by deciding on the correctness of the judgment of the learned Single Judge, instead of remitting the matter to the learned Single Judge.**

14.4 In AAI v. Pradip Kumar Banerjee (2025) 4 SCC 111, while referring to its decision in Narendra(supra), this Court observed as follows:

> **41. <u>The position is, thus, settled that in an intra-court writ appeal, the appellate court must restrain itself and the interference into the judgment passed by the learned Single Judge is permissible only if the judgment of the learned Single Judge is perverse or suffers from an error</u>**

VERDICTUM.IN

> **apparent in law. However, the Division Bench, in the present case, failed to record any such finding and rather, proceeded to delve into extensive reappreciation of evidence to overturn the judgment of the learned Single Judge.** (emphasis ours)
>
> **15.** Bearing in mind the larger public interest that was involved coupled with the fact that the plot of land in question was sought to be reserved for establishment of an educational institution, we are of the firm opinion that dismissal of the writ petition was an available option for the Single Judge. The view taken by the Division Bench that BIADA lacked the authority to cancel the allotment though prima facie may appear to be appealing, yet, the same is debatable.
>
> **15.1 Applying the principles governing the exercise of intra-court appellate jurisdiction, as laid down in the aforesaid precedents, to the facts of the present case, we observe that judicial discipline demanded due deference to the exercise of discretion by the court of first instance, particularly when such discretion was exercised on relevant considerations. The Single Judge having refused exercise of discretion on a ground which, in our opinion, is valid, the Division Bench ought to have been loath to allow the writ petition, and that too in exercise of its intra-court appellate jurisdiction. The judgment and order of the Single Judge was far from being wholly incorrect or perverse**."
>
> (Emphasis supplied)

The Apex Court, in the fore-quoted judgment, considering the entire spectrum of the law, directs that the Division Bench hearing the appeals against the orders of the learned Single Judge must not interfere as a matter of course, but only if the Court could find the order to be perverse.

VERDICTUM.IN

12. In the light of the elucidation of law by the Apex Court in **BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY** *supra* and the facts obtaining in the case at hand, finding no warrant to interfere with the order of the learned Single Judge, the appeal stands ***rejected***.

As a consequence, pending applications, if any, stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Sd/-
(HEMA KULKARNI)
JUDGE

JTR
CT: ASC
List No.: 1 Sl No.: 25