



Reserved on : 05.06.2025
Pronounced on : 08.07.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.10897 OF 2024 (GM - CC)

BETWEEN:

SMT. MUTHULAXMI B.N.,
AGED 42 YEARS
D/O B.K.NAGRAJ
W/O SHANKARESH N.,
SHIVADHAMA NO.297
CHENNIGARAYA EXTENSION
CHANNARAYAPATNA.

... PETITIONER

(BY SMT.A.R.SHARADAMBA, ADVOCATE)

AND:

1 . STATE OF KARNATAKA
REPRESENTED BY IT'S SECRETARY
DEPARTMENT OF DPAR
GOVERNMENT ROOM NO.245
2ND FLOOR
VIDHANA SOUDHA
BENGALURU – 560 001.

- 2 . APPELLATE AUTHORITY
REPRESENTED BY COMMISSIONER
BACKWARD CLASSES WELFARE DEPARTMENT
MILLER TANKBED AREA
VASANTHA NAGARA
BENGALURU – 52.
- 3 . THE DEPUTY COMMISSIONER AND
THE CHAIRMAN
DISTRICT CASTE AND
INCOME VERIFICATION COMMITTEE
HASSAN
HASSAN DISTRICT – 573 201.
- 4 . THE TALUK CASTE AND
INCOME VERIFICATION COMMITTEE
CHANNARAYAPATNA
HASSAN DISTRICT – 573 201
REPRESENTED BY ITS
MEMBER SECRETARY.
- 5 . THE DISTRICT OFFICER
BACKWARD CLASSES AND MINORITIES
DISTRICT CASTE AND
INCOME VERIFICATION COMMITTEE
MEMBER SECRETARY
HASSAN
HASSAN DISTRICT – 573 201.
- 6 . THE DEPUTY SECRETARY
ZILLA PANCHAYATH AND MEMBER
DISTRICT CASTE AND
INCOME VERIFICATION COMMITTEE
HASSAN
HASSAN DISTRICT – 573 201.
- 7 . THE DIRECTOR
DIRECTORATE OF PROSECUTION AND

PUBLIC LITIGATION DEPARTMENT
6TH FLOOR, KAVERI BHAVAN
BENGALURU.

... RESPONDENTS

(BY SRI SPOORTHY HEGDE, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER BEARING BCM/SI.PRA.PA/CR-04/2023-24 DTD 06.03.2024 ANNEX-G AS IT IS VIOLATING THE DECLARED PRL. OF LAW OF THE HON'BLE SUPREME COURT OF INDIA AND HON'BLE HIGH COURT OF KARNATAKA AND ETC.,

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before this Court calling in question an order dated 06-03-2024 **which declines issuance of a Validity certificate validating the caste and income certificate** already issued, on the score that her husband's income is beyond the permissible threshold of grant of such certificate.

2. Heard Smt. A.R.Sharadamba, learned counsel appearing for the petitioner and Sri Spoorthy Hegde, learned High Court Government Pleader appearing for the respondents.

3. Facts, in brief, germane are as follows: -

The State Government issues a notification calling for applications from eligible candidates for appointment to the posts of Assistant Public Prosecutors through the Directorate of Prosecution and Public Litigation Department. The notification was issued for filling up of 181 posts on 30-09-2019. The petitioner finding herself eligible, applies for the said post and was selected as one of the Assistant Public Prosecutors under the Category 3A in terms of the select list dated 17-01-2023. After the notification of the select list, in terms of the process of selection, the petitioner is said to have uploaded all the documents for verification on the Sevasindhu portal on 25-05-2023 and also submitted all the copies of documents uploaded to the 4th respondent/Taluk Caste and Income Verification Committee. The 4th respondent refuses to issue a Validity certificate, but instead sends a communication to the Taluk

Backward Caste and Income Verification Officer directing him to visit the house of the petitioner, conduct inspection and submit a report. The said officer, on such visit, submits a report that the husband of the petitioner was working as Lecturer in a private College and reports that the caste and income certificate should be based upon the income of the husband. This report results in denial of issuance of validity certificate to the petitioner.

4. On the denial of issuance of validity certificate, the petitioner began knocking at the doors of several *fora* of officers bringing to the notice of all those officers that the income of the husband cannot be taken for the purpose of determination and for issuance of caste and income certificate or a validity certificate, as the case would be. It is only the father's income should be taken note of. At every *fora*, the petitioner brought to their notice the judgments of the Apex Court and that of this Court contending that it was a settled principle of law. Notwithstanding the judgment of the Apex Court and this Court having been brought to the notice of the Authorities, the Authorities – respondents 2 and 3 passed an order declining to issue validity certificate to the caste and income

certificate to the petitioner as coming under Category-3A, on the score that the income of husband of the petitioner was beyond the threshold limit for grant of such certificate. It is at that juncture the petitioner is at the doors of this Court in the subject petition.

5. This Court passed several orders, interim though, on different dates. They read as follows:

"22-04-2024:

This Court has time and again repeated that the State should set its house in order, as they are repeating the very same mistake on every occasion of not issuing a validity certificate on erroneous presumption on law.

Again the petitioner is made to knock at the doors of this Court by the respondent No.2 – Appellate Authority/ Commissioner for Backward Classes.

List this matter on 24.04.2024, in the fresh matters list.

In the event the validity certificate is not issued by then, the respondents will have to pay costs from his/her pocket, as the case would be.

...

24-04-2024:

Learned AGA on instructions would undertake that the Committee for issuance of validity certificate would meet on 29.04.2024 after the elections on 26.04.2024 and would issue a validity certificate, in accordance with law.

The submission is place on record.

Learned counsel for the petitioner submits that the application seeking validity certificate was filed on 27.06.2023 and all the others who were candidates along with the petitioner have all been appointed, as their validity certificates are issued and the appointment of the petitioner is postponed for eight months on account of non-issuance of a validity certificate.

Therefore, the said aspect would be considered after the validity certificate is issued to the petitioner, as undertaken by the learned AGA, which is on instructions.

List this matter on 27.05.2024 at 4:00 pm for further hearing.

...

28-05-2024:

Learned Additional Government Advocate submits that in terms of the order dated 24.04.2024, the validity certificate is issued on 29.04.2024.

Smt. A.R.Sharadamba, learned counsel for petitioner would submit that respondent No.7 is yet to issue an appointment order, which was delayed on the score of non-furnishing of the validity certificate.

Learned Additional Government Advocate on instructions shall submit qua respondent No.7 in not issuing the appointment order, on the next date of hearing.

List this matter on 07.06.2024."

(Emphasis supplied)

The State Government, is said to have issued the caste and income certificate to the petitioner, during the subsistence of the subject petition, after the afore-quoted directions of this Court, directing

corrective measures to be taken immediately. The order so passed on 24-04-2024 reads as follows:

"....

ಈಗಾಗಲೇ ಶ್ರೀಮತಿ ಮುತ್ತುಲಕ್ಷ್ಮೀ ಬಿ.ಎನ್. ಬಿನ್ ಬಿ.ಕೆ. ನಾಗರಾಜ, ಚನ್ನಿಗರಾಯ ಬಡಾವಣೆ, ಚನ್ನರಾಯಪಟ್ಟಣ ಟೌನ್, ಹಾಸನ ಜಿಲ್ಲೆ ಇವರಿಗೆ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಬಿಸಿಎಂ:ಇಎಸ್‌ಟಿ-1:ಸಿಆರ್-115:86-87 ದಿನಾಂಕ:23-12-1986ರ ಆದೇಶದನ್ವಯ ವಿವಾಹಿತ ಮಹಿಳಾ ಅರ್ಜಿದಾರಳ ಉತ್ಪನ್ನಕ್ಕೆ ಅವಳ ಪತಿಯ ಉತ್ಪನ್ನ (ಪ್ರತ್ಯೇಕವಾಗಿ ವಾಸಿಸುತ್ತಿದ್ದಲ್ಲಿ) ಒಂದು ವೇಳೆ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಅಂಗವಾಗಿ ವಾಸಿಸುತ್ತಿದ್ದರೆ ಅರ್ಜಿದಾರಳ ಉತ್ಪನ್ನ ಮತ್ತು ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಉತ್ಪನ್ನವನ್ನು ಒಟ್ಟಿಗೆ ಸೇರಿಸಿ "ಕುಟುಂಬದ ಉತ್ಪನ್ನ"ವನ್ನು ಕಂಡುಹಿಡಿಯಬೇಕು ಎಂದು ತಿಳಿಸಿದರಿಂದ ಅಭ್ಯರ್ಥಿಯ ಗಂಡನ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸಿ, ಸದರಿ ಹುದ್ದೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ನಿಗದಿ ಪಡಿಸಿದ ಕೊನೆಯ ದಿನಾಂಕದಂದು ಬಾಲ್ತಿಯಲ್ಲಿದ್ದ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಹಿಂವಕ 304 ಬಿಸಿಎ 2017, ದಿನಾಂಕ: 14-09-2018 ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ಕುಟುಂಬದ ವಾರ್ಷಿಕ ಆದಾಯ ರೂ.8.00 ಲಕ್ಷಗಳನ್ನು ಅಭ್ಯರ್ಥಿಯ ಕುಟುಂಬವು ಮೀರಿರುವುದರಿಂದ ಸಿಂಧುತ್ವ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯಲು ಅನರ್ಹರೆಂದು ಸದರಿಯವರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ತಿರಸ್ಕರಿಸಲಾಗಿತ್ತು.

ಮುಂದುವರೆದು, ಸಕಾಲ ತಂತ್ರಾಂಶದಲ್ಲಿ 21 ದಿವಸಗಳ ಕಾಲಾವಕಾಶವಿದ್ದು ಸಹ ಘನ ನ್ಯಾಯಾಲಯದ ಸೂಚನೆಯನ್ವಯ ದಿನಾಂಕ:24-04-2024ರಂದು ತುರ್ತು ಜಿಲ್ಲಾ ಜಾತಿ ಮತ್ತು ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ಸಭೆ ಕರೆಯಲಾಯಿತು ಹಾಗೂ ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿವಾಹಿತ ಮಹಿಳೆಯ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸುವಾಗ ಅಭ್ಯರ್ಥಿಯ ಗಂಡನ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸದೇ ತಂದೆಯ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸಬೇಕೆಂದು ಯಾವುದೇ ಸರ್ಕಾರದ ಆದೇಶ ಇರುವುದಿಲ್ಲ. ಘನ ನ್ಯಾಯಾಲಯದ ಪ್ರಕರಣ ಸಂಖ್ಯೆ: WP 10897/2024 ಆದೇಶವನ್ನು ಮಾತ್ರ ಪರಿಗಣಿಸಿ, ಈ ಒಂದು ಪ್ರಕರಣಕ್ಕೆ ಮಾತ್ರ ಸೀಮಿತಗೊಳಿಸಿ, ಅಭ್ಯರ್ಥಿಯಾದ ಶ್ರೀಮತಿ ಮುತ್ತುಲಕ್ಷ್ಮೀ ಬಿ.ಎನ್. ಬಿನ್ ಬಿ.ಕೆ. ನಾಗರಾಜ, ಚನ್ನಿಗರಾಯ ಬಡಾವಣೆ, ಚನ್ನರಾಯಪಟ್ಟಣ ಟೌನ್, ಹಾಸನ ಜಿಲ್ಲೆ ಇವರು ಸರ್ಕಾರಿ ವ್ಯಾಜ್ಯಗಳ ಇಲಾಖೆಯಲ್ಲಿ "ಸಹಾಯಕ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು-ವ-ಸಹಾಯಕ ಸರ್ಕಾರಿ ವಕೀಲರು" ಹುದ್ದೆಗೆ ಪ್ರವರ್ಗ-3ಎ "ಒಕ್ಕಲಿಗ" ಜಾತಿಯಡಿ ಆಯ್ಕೆಯಾಗಿದ್ದು, ಸದರಿ ಅಭ್ಯರ್ಥಿಯ ಪತಿಯ ವಾರ್ಷಿಕ ಆದಾಯ ರೂ.33,85,848/-ಗಳಾಗಿದ್ದರೂ ಸಹ ಘನ ನ್ಯಾಯಾಲಯದ ಸೂಚನೆಯನ್ವಯ ಪತಿಯ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸದೇ, ಅಭ್ಯರ್ಥಿಯ ತಂದೆಯ ವಾರ್ಷಿಕ ಆದಾಯವನ್ನು ಪರಿಗಣಿಸಲು ಸೂಚಿಸಿರುವುದರಿಂದ ಸದರಿ ಅಭ್ಯರ್ಥಿಯ ತಂದೆಯ ವಾರ್ಷಿಕ ಆದಾಯ ರೂ.5.00 ಲಕ್ಷಗಳಾಗಿದ್ದು ಕೆನೆ ಪದರ ಮಿತಿ ಒಳಪಟ್ಟಿರುತ್ತದೆ. ಆದ್ದರಿಂದ, ಸದರಿ ಅಭ್ಯರ್ಥಿಗೆ ಪ್ರವರ್ಗ-3ಎ ಮೀಸಲಾತಿಯಡಿಯಲ್ಲಿ ಸಿಂಧುತ್ವ ಪ್ರಮಾಣ ಪತ್ರ ನೀಡುವುದು ಎಂದು ಜಿಲ್ಲಾ ಜಾತಿ ಮತ್ತು ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿಯು ಘನ ನ್ಯಾಯಾಲಯದ ಸೂಚನೆಯನ್ವಯ ಮಾತ್ರ ಒಪ್ಪಲಾಯಿತು. ಹಾಗೂ ಘನ ಸರ್ಕಾರಕ್ಕೆ ಈ ಬಗ್ಗೆ ವಿವರವಾದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ತೀರ್ಮಾನಿಸಲಾಯಿತು. ಸದರಿ ಸಿಂಧುತ್ವ ಪ್ರಮಾಣ ಪತ್ರವು ಘನ ನ್ಯಾಯಾಲಯದ ಅಂತಿಮ ತೀರ್ಮಾನ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

ಸಭೆಯನ್ನು ವಂದನಾರ್ಪಣೆಯೊಂದಿಗೆ ಮುಕ್ತಾಯಗೊಳಿಸಲಾಯಿತು.

ಸಹಿ/-

ಸದಸ್ಯರು,

ಜಿಲ್ಲಾ ಜಾತಿ & ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿ

ಹಾಗೂ ತಹಶೀಲ್ದಾರ್,

ಚನ್ನರಾಯಪಟ್ಟಣ ತಾಲ್ಲೂಕು

ಸಹಿ/-

ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು,

ಜಿಲ್ಲಾ ಜಾತಿ & ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿ

ಹಾಗೂ ಉಪ ನಿರ್ದೇಶಕರು,

ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಇಲಾಖೆ

ಹಾಸನ.

ಸಹಿ/-

ಸದಸ್ಯರು,

ಜಿಲ್ಲಾ ಜಾತಿ & ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿ

ಹಾಗೂ ಉಪ ಕಾರ್ಯದರ್ಶಿಗಳ (ಆಡಳಿತ),

ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಹಾಸನ.

ಸಹಿ/-24/4/24

ಅಧ್ಯಕ್ಷರು,

ಜಿಲ್ಲಾ ಜಾತಿ & ಆದಾಯ ಪರಿಶೀಲನಾ ಸಮಿತಿ

ಹಾಗೂ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು

ಹಾಸನ ಜಿಲ್ಲೆ, ಹಾಸನ.”

(Emphasis added)

A perusal at the order is indicative of the fact that the Committee has issued a Validity Certificate only for the reason that this Court has directed to. What this Court had directed, is quoted hereinabove. Therefore, the observation undoubtedly amounts to admitting ignorance of law, as settled by the Apex Court and this Court and an act of contumacious contempt for having observed so that they are issuing the Validity Certificate only because this Court has directed. This Court's direction was to act in tune with law. Since the certificate is issued, this Court is holding its hands from

initiating proceedings for contempt, but would undoubtedly mulct the members of the Committee with exemplary cost.

6. The learned counsel for the petitioner submits that all others who were selected in terms of the same select list dated 17-01-2023 were given appointments. It is only the petitioner, on an erroneous presumption, was not given appointment along with others, and it is delayed by 12 months.

7. On the score that the certificate is granted in a manner known to law, the petition would have to be closed as having become infructuous. However, in the considered view of the Court, the case cannot be closed by mere observation that the petition has become infructuous on the ground that caste and income certificate is given and appointment is also given and the delay in issuing the appointment order cannot be laid at the doors of the petitioner. The petitioner appropriately claimed Category-3A and submitted the caste and income certificate and sought validation of the caste and income certificate. On an erroneous presumption of law, the State Government denied and on having a re-look at the law, the State

has granted it now. Between the denial and re-look, 12 months passed by, all for ignorance of law by the State Government in deliberate defiance of law.

8. The law, in this regard, is too well settled, where this Court on an earlier occasion had to admonish the State Government in the case of **AKSHATA CHOUGALA AND OTHERS v. STATE OF KARNATAKA** reported in **2023 SCC OnLine Kar 168** whereby the State had denied caste and income certificate on the same score. This Court, followed the judgment of the Apex Court in the case of **SURINDER SINGH v. PUNJAB STATE ELECTRICITY BOARD AND OTHERS**¹, wherein the Apex Court had held as follows:

"....

8. The question which still arises is, whether it was open to the High Court, to include the individual's income in determining his eligibility for being declared as backward class, by reading down the policy instructions on the subject? Insofar as the instant aspect of the matter is concerned, there can be no doubt that the issue is determinable with reference to the decision rendered by this Court in *Indra Sawhney v. Union of India* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] . But for the determination of the present controversy, we need not travel to the decision in *Indra Sawhney case* [*Indra*

¹ (2014) 15 SCC 767

***Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] . It will be sufficient to make a reference to the decision rendered by this Court in *Ashoka Kumar Thakur v. State of Bihar* [*Ashoka Kumar Thakur v. State of Bihar*, (1995) 5 SCC 403 : 1995 SCC (L&S) 1248 : (1995) 31 ATC 159] , wherein this Court, having examined the Office Memorandum dated 8-9-1993, approved the same by observing as under: (SCC p. 417, para 10)**

"10. We have carefully examined the criteria for identifying the 'creamy layer' laid down by the Government of India in the Schedule, quoted above, and we are of the view that the same is in conformity with the law laid down by this Court in Mandal case (Indra Sawhney v. Union of India [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385]). We have no hesitation in approving the rule of exclusion framed by the Government of India in Para 2(c) read with the Schedule of the Office Memorandum quoted above. The learned counsel for the petitioners have also vehemently commended that the State Governments should follow the Government of India and lay down similar criteria for identifying the 'creamy layer'."

(emphasis supplied)

It is apparent from the observations recorded by this Court, as have been extracted hereinabove, that the Office Memorandum dated 8-9-1993 had been examined by this Court, specifically with reference to the decision rendered in *Indra Sawhney case* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217: 1992 SCC (L&S) Supp 1: (1992) 22 ATC 385]. Having done so, this Court expressly approved and confirmed the Schedule to the Office Memorandum dated 8-9-1993.

....

11. The above issue came to be examined yet again by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) through its memorandum dated 14-10-2004. In the above memorandum, a large number of queries were clarified. Queries at Serial Nos. (vi) and (vii) of Para 4 are relevant to the present controversy, and are accordingly reproduced hereunder:

"4. Following questions have been raised from time to time about the application of the above provisions to determine creamy layer.

(vi) Will a candidate who himself is a directly recruited Class I/Group A officer or a directly recruited Class II/Group B officer who got into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer on the basis of his service status?

(vii) Will a candidate who has gross annual income of Rs 2.5 lakhs or above or possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years be treated to fall in creamy layer?"

The aforesaid queries came to be answered in Para 8 by observing as under:

"8. In regard to clauses (vi), (vii) and (viii) of Para 4, it is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account."

(emphasis supplied)

In view of the above, there is no room for any further consideration, whether or not the individual's income is to be taken into consideration, while computing the total income relevant to determine whether an individual belongs to the "creamy layer". The above clarification reveals, that it is only the parents' income, which has to be taken into consideration.

(Emphasis supplied)

The Apex Court holds that there is no room for any further consideration of individual's income to be taken into consideration while computing total income. The clarification issued therein would reveal that it is only the parents' income which has to be taken into consideration. The Apex Court, further, in the case of **SUNITA SINGH v. STATE OF UTTAR PRADESH**², has held as follows:

"....

5. There cannot be any dispute that the caste is determined by birth and the caste cannot be changed by marriage with a person of Scheduled Caste. Undoubtedly, the appellant was born in "Agarwal" family, which falls in general category and not in Scheduled Caste. Merely because her husband is belonging to a Scheduled Caste category, the appellant should not have been issued with a caste certificate showing her caste as Scheduled Caste. In that regard, the orders of the authorities as well as the judgment of the High Court cannot be faulted.

(Emphasis supplied)

Considering the aforementioned judgments, coordinate Benches of this Court had held that caste and income certificate would always depend on father's income and not the income of the husband. This

² (2018) 2 SCC 493

Court in the case of **AKSHATA CHOUGALA AND OTHERS v. STATE OF KARNATAKA**³ *supra* had observed as follows:

"... .."

12. It is rather surprising that the State is time and again repeating the very same mistake and driving the applicants to knock at the doors of this Court despite the declaration of law by the Apex court and that of this Court, by clinging on to a Government order dated 12-12-19986, which is on the face of it unsustainable. Therefore, it is for the State to direct the selecting authorities to act in tune with law and not contrary to law. It is high time to State, sets its house in order, and refrain from generating unnecessary litigation".

(Emphasis supplied)

Observing that the State has time and again repeated same mistake of bringing the applicants to knock at the doors of Courts despite declaration of law, had directed that, it was high time the State set its house in order and refrain from generating unnecessary litigation. **The State, as it is known for its wont, has again repeated the same mistake.**

9. The denial of validity certificate to the petitioner – the key that would unlock the door to her lawful appointment was premised on a legal fallacy, long buried by

³ 2023 SCC OnLine Kar 168

the judicial pronouncements of the Apex Court and that of this Court, yet the State in willful ignorance or negligent defiance, clung to the misbegotten interpretation, imputing the income of the spouse to determine the backwardness of a woman, born into an eligible category. The attitude of the State cannot be countenanced. The petitioner whose documents were in order and whose claim was squarely covered under settled law, is left to knock on the bureaucratic doors, until her knuckles bled with frustration and had to approach this Court. It is the stern directions issued by this Court that awakened the State from slumber and issue a Validity Certificate, which was hers by right. The appointment then followed.

10. It is necessary to observe that **justice delayed is justice dented**. For 12 long months, while others from the same select list stepped into service, **the petitioner languished in anxious limbo**. Her legitimate aspirations swept under the weight of official indifference. This Court, thus, cannot permit the curtain to fall on this matter with a mere note of

closure. The law was clear, the precedent was binding, yet the Officers with impunity, chose to act in contravention.

The members of the Committee who authored the document of miscarriage of justice must bear the burden for their folly.

11. It is a case where the members of the Committee must be mulcted with exemplary cost. The Chairman and the Members who have deliberately ignored the law, as a result of which, the petitioner is driven to unnecessary litigation and a consequential loss of 12 months of her employment, shall bear the costs. The cost not to be paid by State, but by the Members of the District Caste and Income Verification Committee, Hassan District, headed by the Deputy Commissioner at the relevant point in time from their pockets. Imposition of exemplary cost has become necessary in the peculiar facts of the case, **not only to recompense the petitioner, but become a cautionary call to all those who hold public office, that dereliction cloaked in ignorance shall find no refuge before this Court.**

12. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is disposed, with exemplary cost of ₹2,00,000/- to be paid to the petitioner by the Chairman and Members of the District Caste and Income Verification Committee, from out of their own funds and not from the funds of the State.
- (ii) The cost shall be paid to the petitioner within four weeks from the date of receipt of the copy of this order.
- (iii) The petitioner also become entitled to all consequential benefits, except the salary and other monetary benefits.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

Bkp
CT:MJ