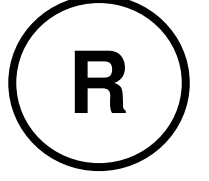




HC-KAR



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 109449 OF 2017 (GM-CC)

BETWEEN:

SRI. T.H. HOSAMANI
S/O. HANUMANTHAPPA HOSAMANI,
AGED ABOUT 63 YEARS, RETIRED HEAD MASTER,
RURAL HIGH SCHOOL, HAROHALLI,
KANAKAPURA DISTRICT, RAMNAGAR DISTRICT,
NOW R/AT: VINAYAKA NAGAR,
2ND CROSS, EJARI, LAKMAPURA, HAVERI,
HAVERI DISTRICT - 581 110.

...PETITIONER

(BY SRI. VIJAYAKUMAR B., ADVOCATE FOR
SRI. G. K. HIREGOUDAR, ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
SOCIAL WELFARE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560 001.
2. THE COMMISSIONER,
SOCIAL WELFARE DEPARTMENT,
M.S. BUILDING,
AMBEDKAR VEEDHI,
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER-
CUM CHAIRMAN,
DISTRICT CASTE VERIFICATION COMMITTEE,
RAMNAGAR DISTRICT,
RAMNAGAR - 562 159.
4. DISTRICT SOCIAL WELFARE OFFICER
MEMBER OF SECRETARY DISTRICT
CASTE AND INCOME VERIFICATION



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WP No. 109449 of 2017

COMMITTEE, ZILLA PANCHAYAT RAMANAGAR.

5. THE TAHASILDER
BYADAGI TALUK BYADAGI – 581 106.
6. SRI.H.P.SRINIVAS
S/O PUTTANSINGATRAYYA RTI ACTIVIST,
RESIDING AROHALLY-562112,
KANAKAPURA TALUK,
RAMNAGAR DISTRICT.
7. THE SECRETARY,
AROHALLY VIDHYA SAMSTHE, AROHALLY,
KANAKAPURA TALUK,
RAMNAGAR DISTRICT.

...RESPONDENTS

(BY SRI. C. JAGADISH, ADVOCATE FOR R1 TO R5;
R6 & R7 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS RELATING TO THE ISSUE OF THE IMPUGNED ORDER BEARING NO. JI.SA.KA.AA./RA/11/2010-11 SA.KA-3/CR-DATED 21.06.2014 PASSED BY THE RESPONDENT NO.4 VIDE ANNEXURE- G AND THE PROCEEDINGS OF THE MEETING DATED 17.05.2014 PASSED BY THE RESPONDENT NO.3 VIDE ANNEXURE-F TOGETHER WITH THE IMPUGNED ORDER PASSED BY THE RESPONDENT NO.2 DATED 28.02.2017 PASSED IN APPEAL NO. CR-12/2014-15 VIDE ANNEXURE-M AND AFTER PERUSAL SET ASIDE THE SAME AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING B GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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ORAL ORDER

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

1. The petitioner is before this Court seeking the following reliefs:

- "A. To call for records relating to the issue of the impugned order bearing No. Ji.Sa.Ka.Aa./Ra/11/2010-11 Sa.Ka-3/CR-dated 21.06.2014 passed by the Respondent No.4 vide Annexure- G and the Proceedings of the Meeting dated 17.05.2014 passed by the Respondent No.3 vide Annexure-F together with the impugned order passed by the Respondent No.2 dated 28.02.2017 passed in Appeal No. CR-12/2014-15 vide ANNEXURE-M and after perusal set aside the same.
- B. To pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case."

2. Heard the learned Counsel Sri. Vijaykumar Bajantri for Sri. G.K. Hiregoudar, appearing for the petitioner and learned counsel Sri. C. Jagadish, appearing for the respondents.

3. Facts adumbrated are as follows:

The petitioner is appointed as an Assistant Teacher in Harohalli Vidya Samste, an aided institution, against an aided post. The petitioner is said to have secured the employment on the strength of a caste certificate depicting him to be belonging to Bhovi caste. The petitioner is said to have submitted the caste



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certificate that was in his possession, which depicted him to be belonging to the Bhovi caste, for securing promotion to the post of Headmaster, notified as Scheduled Caste. The petitioner was then promoted as the Headmaster against a post reserved for Scheduled Caste / Scheduled Tribe and the same was approved by the competent authority. When things stood thus, on 16.07.2007, a complaint comes to be filed by respondent No.5, before the Civil Rights Enforcement Cell, alleging that the petitioner had obtained a false caste certificate stating that he belongs to Scheduled Caste-Bhovi, though he belonged to Gangamata community. On the said complaint, the Civil Rights Enforcement Cell *suo motu* institutes proceedings on the complaint and directs investigation into the matter at the hands of the Deputy Superintendent of Police of the Civil Rights Enforcement Cell. The investigation is said to have been conducted without notifying the petitioner and the result of the investigation is the direction to the District Caste Verification Committee to initiate proceedings towards cancellation of the caste certificate.

4. In the interregnum, the petitioner retires on attaining the age of superannuation and files an appeal. Based upon the



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said report, two proceedings spring, one initiated by the District Caste Verification Committee, in which the certificate of the petitioner stood cancelled and the other, a crime registered in Crime No.216 of 2014.

5. Insofar as the criminal case is concerned, the learned counsel for the petitioner submits that he has been acquitted in the said case and that the acquittal has attained finality. The issue that now falls for consideration at the hands of this Court is whether the Civil Rights Enforcement Cell could have entertained the complaint and initiated *suo motu* investigation without the matter being referred to by the District Caste Verification Committee to the hands of the Civil Rights Enforcement Cell for the purpose of conduct of investigation.

6. The learned counsel Sri. Vijaykumar Bajantri, appearing for the petitioner, submits that the Civil Rights Enforcement Cell did not have jurisdiction to conduct a *suo motu* investigation upon a complaint, unless the Caste Verification Committee had directed it to do so. The learned counsel submits that since the very foundation of the case rests on the



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investigation conducted by the Civil Rights Enforcement Cell, all the subsequent proceedings would become a nullity in law.

7. *Per contra*, the learned counsel Sri. C.Jagadish admits the position of law and submits that as per the statute itself, the Civil Rights Enforcement Cell does not have *suo motu* powers to begin an investigation, without the matter being referred to the District Caste Verification Committee. He further submits that, the petitioner may have a case on technical ground, but not on the merit of the matter. He further submits that the caste certificate, which has now become the bone of contention should not be used by any other family member of the petitioner, as the caste certificate is admittedly false.

8. I have given my anxious consideration to the submissions of the learned counsel for the parties and have perused the material on record.

9. The afore-narrated facts are not in dispute. The aforesaid issue needs to be considered and such consideration would necessarily require noticing the relevant statute. Sub-Rule (4) of Rule 7 of the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of



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Appointments, Etc.), Rules, 1992 (for short 'the Rules'), reads as follows:

"(4) Where the Committee even after the enquiry referred to in sub-rules(2) and (3) finds that the claim is doubtful, and is not in a position to come to a conclusion it shall refer the matter to the Directorate of Civil Rights Enforcement for detailed investigation and report. On receipt of the report from the Directorate of Civil Rights Enforcement, the Committee shall dispose off the case on merit, after holding such enquiry as it deems fit and after giving the applicant an opportunity of being heard. An order under this sub-rule shall be made within one month from the date of receipt of the application."

Sub-Rule (4) of Rule 7 of the Rules mandates that the Civil Rights Enforcement Cell can spring into action only upon a reference being made by the District Caste Verification Committee to conduct an investigation with regard to the caste status of any person.

10. The jurisprudence is replete with the judgments rendered by the Division Benches and of the Co-ordinate Bench of this Court, with regard to the power of the Civil Rights Enforcement Cell to take up *suo motu* investigation.

11.1. A Division Bench of this Court, in the case of **THE APPOINTING AUTHORITY / REGIONAL MANAGER, STATE**



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BANK OF INDIA AND ANOTHER v. BHEEMAPPA AND**ANOTHER ¹**, has held as follows:

"3. The learned Single Judge has deemed it relevant to place reliance on the order of the Hon'ble Apex Court rendered in Civil Appeal Nos.1429-1430/2020. The learned Single Judge has further noticed that the impugned order of termination *prima facie* appears to be in gross violation of the principles of natural justice *audi alteram partem*. Admittedly, the caste certificate had reached this Court way back in the year 2003 in W.P.No.46638/2003 which came to be disposed of on 29.03.2011 by quashing the order dated 03.09.2003 passed by the Caste Verification committee and reserving liberty to the Caste Verification Committee constituted in 2009 to take up the issue. The instant appellant-Bank was a party respondent in the said writ petition. Admittedly, the appellant-Bank has not sought for verification of the caste certificate furnished to the employer in the year 1985. That being the admitted facts, the moot question is whether the Caste Verification Committee could have suo motu initiated proceedings to cancel the caste certificate of respondent no.1 or to opine that respondent no.1 has furnished a false certificate.

4. On perusal of the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments, etc.) Act, 1990 (hereinafter referred to as 'the Act' for short) and the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments, etc.) Rules, 1992, we find that no such powers of *suo motu* revision are vested in the Caste Verification Committee and sub-section (2) of Section 4-C of the Act stipulates the persons or entity who may seek for verification of the Caste certificate, and hence, on that ground also, we do not find any ground which would warrant interference with the order passed by the learned Single Judge. Accordingly, the writ appeal stands rejected."

(Emphasis supplied)

¹ W.A. No. 100110 of 2020 (S-DIS), disposed on 10.11.2020.



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11.2. Another Division Bench of this Court, in the case of **T.S. RAMACHANDRA v. ADDITIONAL DIRECTOR GENERAL OF POLICE²**, has held as follows:

"6. We have considered the submissions made on both sides and have perused the record. Rule 7 of the Karnataka SC/ST & Other BC (Reservation of Appointments, etc.) Rules, 1992 which is relevant for the purpose of deciding the controversy involved in the appeal, is reproduced below for the facility of reference:

7. Issue of Validity Certificate. - (1) After getting a report on a reference made under Rule 6-A, the Caste Verification Committee and the Caste and Income Verification Committee shall hold an enquiry after giving opportunity to the parties concerned.

(2) The Committee may examine school records, birth registration certificate if any, and such other relevant materials and may also examine any other person who has the knowledge of the community of the applicant:

Provided that in case of an applicant who belongs to the Scheduled Tribes, the Committee may also examine the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies and such other matters.

(3) If on such enquiry the Committee finds that the applicants claim is genuine it may issue the certificate sought for, in Form I-A, but where the committee finds that the applicant obtained the Caste Certificate or Income and Caste Certificate by making a false representation, it shall pass an order rejecting the application indicating the reasons therefore for such refusal. An order under the sub-rule shall be passed within one month from the date of receipt of the application.

² W.A. No. 36 of 2021 (GM-CC), disposed on 30.08.2021.



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(4) Where the Committee even after the enquiry referred to in sub-rules (2) and (3) finds that the claims is doubtful, and is not in a position to come to a conclusion it shall refer the matter to the Directorate of Civil Rights Enforcement for detailed investigation and report. On receipt of the report from the Directorate of Civil rights enforcement, the Committee shall dispose off the case on merit, after holding such enquiry as it deems fit and after giving the applicant an opportunity of being heard. An order under this sub-rule shall be made within one month from the date of receipt of the application.

(5) Any person aggrieved by an order of the Caste Verification Committee or Caste and Income Verification Committee may appeal to the Divisional Commissioner. The Divisional Commissioner shall after giving an opportunity of being heard to both the parties pass such order as he deems fit within forty-five days from the date of filing of such appeal.

7. A Division Bench of this Court in WA No.100375/2017 vide judgment dated 17.08.2020, dealt with the issue whether the Deputy Superintendent of Police, Civil Rights Enforcement Cell, has the authority to initiate the proceeding with regard to veracity of the caste certificate. The aforesaid issue has been answered in paragraphs 10 and 11 as follows:

10. In Bheemappa S/o. Chandrappa Bhovi Vs. State of Karnataka and others (W.P.No.103358/2015), this Court has held that Caste Verification Committee is a competent body which is provided under law to consider the validity of the Caste Certificate.

11. In Shantamani vs. The Deputy Superintendent of Police, (W.P.No.11704/2013), this Court, after considering Rule 6-A and Rule 7 of the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments, etc.) Rules, 1992 ('the Rules' for short) and decisions in Ramachandra Keshav Adke and others Vs. Govind Joti Chavare and others reported in AIR 1975 SC 915 and in Commissioner of Income Tax, Mumbai Vs. Anjum M.H.



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Ghaswala and others reported in 2002(1) SCC 633, has held as follows:

*"7. Thus, from perusal of the aforesaid provisions, it is evident that Caste and Income Verification Committee shall refer the application for issue of validity certificate to the District Social Officer and report after holding local enquiries. Thereafter, on getting report on a reference made under Rule 6A of the Rules, Caste Verification Committee shall hold an enquiry after giving an opportunity of hearing to the parties. **From perusal of Rule 7(4) of the Rules, it is evident that if the Committee after holding an enquiry finds that claim is doubtful and the Committee is not in a position to come to a conclusion, it shall refer the matter to the Directorate of Civil Rights Enforcement for detailed investigation and report. It is well settled in law that when the statute provides a manner of doing a particular thing in a particular manner, that thing has to be performed in that manner alone.*** In this connection, reference may be made to decisions of Supreme Court of India in 'RAMCHANDRA KESHAV ADKE AND OTHERS vs. GOVIND JOTI CHAVARE AND OTHERS' AIR 1975 AIR 1975 SC 915 and 'COMMISSIONER OF INCOME TAX, MUMBAI VS. ANJUM M.H. GHASWALA AND OTHERS' 2002 (1) SCC 633.

8. In view of aforesaid enunciation of law, it is evident that the enquiry in to the caste certificate has to be made by the Directorate of Civil Rights Enforcement on the basis of reference made by District Caste Verification Committee as provided under Rule 7(4) of the Rules. In the instant case, the Civil Rights Enforcement cell on its own has issued the notice which is in contravention of Rule 7(4) of the Rules, the same therefore cannot be sustained in the eye of law. It is pertinent to note that in the decision relied upon by the learned counsel for the respondent in W.P.No.14144/2008, neither Rule 6A nor Rule 7 of the Rules had been considered. Therefore, the aforesaid decision is distinguishable."



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8. Thus, from the perusal of Rule 7 of the Rules, it is evident that the Directorate of Civil Rights Enforcement has to take steps for prosecution of claimant who has obtained false caste certificate on the basis of the report submitted by the District Caste Verification Committee.

9. Thus, in the instant case, the enquiry had not been initiated on a reference made by District Caste Verification Committee but on the basis of a complaint made by the complainant namely R Ravichandra. The initiation of proceeding against the appellant is de hors the procedure prescribed in Rule 7 of the Rules. The impugned notice is per se without jurisdiction and therefore, cannot be sustained in the eye of the law. The appellant has superannuated from service on 31.07.2003 and after 2007, he has been treated as a general category candidate and all retirement benefits has been settled. It is pertinent to note that the appellant in the writ petition before the learned Single Judge, had sought the following reliefs:

"a) Issue a writ in the nature of certiorari or any other order or direction quashing the proceedings initiated by R-2 Superintendent of Police CRE Mangalore in his notice bearing No.JaVi/17/NaHaJaNi/2014 dated 12.11.2014 Ann-E after holding that such exercise of power by the said authority is in violation of Article 14 of Constitution of India.

b) Pass any other order or direction that this Hon'ble Court deems it fit and necessary in the facts and circumstances of the case and in the interest of justice and equity".

(Emphasis supplied)

11.3. A Co-ordinate Bench of this Court, in the case of

G. RAJANNA v. THE DISTRICT CASTE VERIFICATION



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COMMITTEE AND OTHERS³, while referring to both the afore-quoted judgments of the Division Benches, has held as follows:

"9. A Division Bench of this Court in W.A.No.100375/2017 vide order dated 17.08.2020 has dealt with the similar issue and held that the Deputy Superintendent of Police (DCRE), has no authority to initiate proceedings with regard to the veracity of the caste certificate and the aforesaid issue has been answered in para Nos.10 and 11.

10. Under similar circumstances, another Division Bench of this Court in the case of Sri. **T.S. Ramachandra vs. Additional Director General of Police** in W.A.No.36/2021 disposed of on 30.08.2021 [*T.S. Ramachandra*] has held that the enquiry conducted by the DCVC is invalidated, as the initiation of proceedings is de hors the procedure prescribed in Rule 7 of the Rules. The relevant paragraph No.9 of the judgment of the Division Bench reads as under:

"9. Thus, in the instant case, the enquiry had not been initiated on a reference made by District Caste Verification Committee but on the basis of a complaint made by the complainant namely R Ravichandra. The initiation of proceeding against the appellant is de hors the procedure prescribed in Rule 7 of the Rules. The impugned notice is per se without jurisdiction and therefore, cannot be sustained in the eye of the law. The appellant has superannuated from service on 31.07.2003 and after 2007, he has been treated as a general category candidate and all retirement benefits has been settled. It is pertinent to note that the appellant in the writ petition before the learned Single Judge, had sought the following reliefs:

"a) Issue a writ in the nature of certiorari or any other order or direction quashing the proceedings initiated by R-2 Superintendent of Police CRE Mangalore in his notice bearing No.JaVi/17/NaHaJaNi/2014 dated 12.11.2014 Ann-E after holding that such

3. W.P. No. 46919 of 2014 (GM-CC), disposed on 07.07.2023.



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exercise of power by the said authority is in violation of Article 14 of Constitution of India.

b) Pass any other order or direction that this Hon'ble Court deems it fit and necessary in the facts and circumstances of the case and in the interest of justice and equity."

11. In another decision, the Division Bench of this Court in the case of Bheemappa stated supra, which is relied by the learned counsel for the petitioner, at paragraph Nos.3 and 4 held as under:

"3. The learned Single Judge has deemed it relevant to place reliance on the order of the Hon'ble Apex Court rendered in Civil Appeal Nos.1429-1430/2020. The learned Single Judge has further noticed that the impugned order of termination prima facie appears to be in gross violation of the principles of natural justice audi alteram partem. Admittedly, the caste certificate had reached this Court way back in the year 2003 in W.P.No.46638/2003 which came to be disposed of on 29.03.2011 by quashing the order dated 03.09.2003 passed by the Caste Verification committee and reserving liberty to the Caste Verification Committee constituted in 2009 to take up the issue. The instant appellant-Bank was a party respondent in the said writ petition. Admittedly, the appellant-Bank has not sought for verification of the caste certificate furnished to the employer in the year 1985. That being the admitted facts, the moot question is whether the Caste Verification Committee could have suo motu initiated proceedings to cancel the caste certificate of respondent no.1 or to opine that respondent no.1 has furnished a false certificate.

4. **On perusal of the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments, etc.) Act, 1990 (hereinafter referred to as 'the Act' for short) and the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments, etc.) Rules, 1992, we find that no such powers of suo motu revision are vested in the Caste Verification Committee** and sub-section (2) of Section 4-C of the Act stipulates the persons or entity who may seek for verification of the Caste certificate, and hence, on that ground also, we do not find any



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ground which would warrant interference with the order passed by the learned Single Judge. Accordingly, the writ appeal stands rejected.

All contentions of the parties are left open.”

12. The proposition of law and Rule 7A of the Rules envisages that the enquiry conducted by the DCVC on the request of the CRE Cell is invalid and de hors the procedure prescribed in the Rules. The aforesaid decisions stated supra is squarely applicable to the facts of the present case.”

(Emphasis supplied)

On a coalesce of the afore-quoted judgments of the Division Benches and of the Co-ordinate Bench of this Court, what would unmistakably emerge is that, the Civil Rights Enforcement Cell does not have the power to take up *suo motu* investigation into the caste certificate of the petitioner.

12. The statute is unambiguous with regard to the power of the Civil Rights Enforcement Cell emerging only upon a reference being made by the District Caste Verification Committee. Therefore, the proceedings that have now emerged from the hands of the Civil Rights Enforcement Cell and all action in its aftermath would become a nullity in law.

13. The very foundation for all the impugned action is the action of the Civil Rights Enforcement Cell. If such foundation is



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contrary to law, the superstructure built upon such foundation would necessarily tumble down. In the light of the elucidation of law by the judgments rendered by the Division Benches and by the Co-ordinate Bench of this Court, the petition deserves to succeed.

14. For the above said reasons the following:

ORDER

- i. The petition stands allowed.
- ii. The impugned Orders 21.06.2024, 17.05.2024 and 28.02.2017 all stand obliterated.
- iii. The terminal benefits of the petitioner, if they have been withheld on the strength of the aforesaid orders, shall be released without brooking any delay.
- iv. It is made clear that the subject caste certificate shall not be used by any family members of the petitioner for any benefit to claim that they belong to Scheduled Caste or



Scheduled Tribe, in the peculiar facts of this case.

- v. The terminal benefits shall be released within four weeks from the date of receipt of a copy of this order.

Sd/-
(M.NAGAPRASANNA)
JUDGE

RHR/CT-ASC
List No.: 1 Sl No.: 184