



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 1089 OF 2021 (S-KSAT)

BETWEEN:

1. SRI. HARISH N V
S/O VENKATESH,
AGED ABOUT 45 YEARS,
R/AT WATER TANK STREET,
NAGAMANGALA TALUK
AND POST - 571432,
MANDYA DISTRICT.
2. SRI RAVINDRA S/O SUBHASH,
AGED ABOUT 42 YEARS,
H.NO.19-1-260, GANGA NIVAS,
BANKERS' COLONY,
SHIVNAGAR SOUTH,
BIDAR- 585401.
3. SRI SIDDAPPA MALAD
S/O TULAJAPPA MALAD,
AGED ABOUT 36 YEARS,
VILLAGE AND POST,
DONOOR - 586203,
BASAVANABAGEWADI TALUK,
BIJAPUR DISTRICT.

Digitally signed by
NANTUNDA CHARI
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. NAIK NITYANAND VENKATARAMAN, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,



TRANSPORT DEPARTMENT,
M S BUILDING,
BENGALURU - 560001.

2. THE KARNATAKA PUBLIC SERVICE
COMMISSION
REPRESENTED BY ITS SECRETARY,
UDYOGA SOUDHA,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. V SHIVAREDDY, AGA FOR R1
SRI K.M. PRAKASH, ADV. FOR R2)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A). SET ASIDE THE
ORDER DATED 07/02/2020 IN APPLICATION NOS.4122-4126/2019
PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL,
BENGALURU, BY ISSUE A WRIT OF CERTIORARI OR ANY OTHER
APPROPRIATE WRIT OR ORDER, AS THE CASE MAY BE AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioners are before this Court under Article
226 of the Constitution of India questioning the
correctness and legality of order dated 07.02.2020 in
Application Nos.4122-4126/2019 passed by the Karnataka
State Administrative Tribunal at Bengaluru (for short, 'the
Tribunal') wherein the petitioners' challenge to the



provisional select list of candidates to the post of Inspector of Motor Vehicles published under notification dated 04.07.2019 is rejected and further petitioners' prayer to consider the case of the petitioners for selection and appointment to the post of Inspector of Motor Vehicles based on the re-medical test report is also rejected.

2. Heard learned counsel Sri.Naik Nityanand Venkataraman for petitioners through video conference, learned Additional Government Advocate Sri.V.Shivareddy for respondent No.1 and learned counsel Sri.K.M.Prakash for respondent No.2 – KPSC. Perused the entire writ petition papers.

3. The second respondent by notification dated 04.02.2016 invited applications from the eligible candidates to fill up the post of Inspector of Motor Vehicles. The petitioners participated in the selection process. The petitioners qualified in the written competitive examination and their names were found



place in the eligible candidates list, which was published on 07.10.2016. Thereafter, the petitioners were called for physical standard test and in the physical standard test, the petitioners failed to qualify. Thereafter, the petitioners were referred for second physical standard test on 05.04.2018. The provisional select list was published on 04.07.2019 and as the petitioners' name was not found in the select list, they filed their objections on 07.07.2019. The list of rejected candidates was published wherein the names of the petitioners were found. Thereafter, once again the petitioners filed their objections on 08.07.2019. As the objections were not considered, the petitioners approached the Tribunal by challenging the provisional select list dated 04.07.2019 published by the second respondent contending that the petitioners had qualified in the second physical standard test and based on the second physical standard test, cases of the petitioners ought to have been considered for the selection and appointment as Motor Vehicle Inspectors. The Tribunal under impugned



order rejected the petitioners' application holding that the petitioners would not qualify the physical standard test. Paragraph (8) of the Tribunal's order indicates that the Tribunal directed the petitioners to be present before the Tribunal on 13.09.2019 and referred the petitioners to medical examination by Medical Officer attached to the Tribunal. The Medical Officer attached to the Tribunal conducted the physical standard test and submitted the report to the Tribunal, whereunder the petitioners failed to qualify the physical standard test. Questioning the order of the Tribunal as well as the provisional select list dated 04.07.2019 petitioners are before this Court in this writ petition.

4. Learned counsel Sri. Naik Nityanand Venkataraman would submit that along with the petitioners, as many as 11 others were also referred to the second physical standard test, out of which, one Smt.Pooja P Naik approached the Tribunal and the Tribunal granted relief to the said candidate directing the



KPSC to consider the second physical medical test and consider her case for selection and appointment. Further, he submits that the said order passed by the Tribunal was the subject matter of W.P.No.11233/2023 before this Court by the second respondent. This Court by order dated 08.11.2024 rejected the writ petition of the second respondent – KPSC directing the KPSC to consider the case of the petitioner therein based on the second physical standard test. Learned counsel would submit that the petitioners are also similarly situated candidates. As such, he would pray for a similar direction on parity.

5. Per contra, learned counsel Sri.K.M.Prakash for second respondent – KPSC would submit that the petitioners herein, challenged before the Tribunal the provisional select list dated 04.07.2019 which is withdrawn subsequent to direction of this Court on 30.04.2022. He further submits that the revised list was published on 26.10.2023 which is not challenged by the petitioners. Learned counsel would also submit that in view of the



medical test conducted by the Tribunal by the Medical Officer attached to the Tribunal wherein it is found that the petitioners are not qualified in the physical standard test, it is not open for the petitioners to seek for a direction to consider the second physical standard test report. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the following points would fall for our consideration:

- a) Whether the petitioners would be entitled for a direction on the ground of parity?*
- b) Whether the impugned order passed by the Tribunal requires interference?*

7. Answer to both the above points would be in the negative for the following reasons:

Admittedly, the petitioners questioned initially the provisional select list published under notification dated 04.07.2019 (Annexure-A5). Subsequently, entire list was



revised and the revised final select list was published on 26.10.2023 (Annexure-J). The said revised list was in pursuance to the directions issued by this Court dated 25.08.2021 in W.P.No.6774/2020. Admittedly, the petitioners have not questioned the revised final selection list of the Motor Vehicle Inspectors dated 26.10.2023.

8. Be that as it may, the recruitment notification dated 04.02.2016 issued by the second respondent – KPSC prescribes the following physical standard test for selection and appointment as Motor Vehicle Inspectors, which reads as follows:

"Must possess the following minimum physical standards.

(A) **For Men:**

Height : 168 Cms
Chest girth : 86 Cms when fully expanded (minimum expansion must be 5 Cms)

(B) **For Women:**

Height : 157 Cms
Weight : 49 Kg.



(C) For men and Women

(Common standards)

(a) *Vision: Must have the following standard distant near vision with or without glasses.*

(i) *Distant Vision*

<i>Better eye</i>		<i>Worse eye</i>
<i>6/9</i>	<i>or</i>	<i>6/9</i>
<i>6/9</i>	<i>or</i>	<i>6/12</i>

(ii) *Near Vision*

<i>0/6</i>	<i>0/8</i>
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Each eye must have full field vision. Colour blindness, squint or any morbid conditions of the eyes or lids of either eye shall be disqualification.

(b) *Hearing:*

(i) *Rinner's test*

(ii) *Webber's test*

(iii) *Test for vertigo*

Any defects observed during the test mentioned above shall be a disqualification.

(c) *Anyone of the following shall also be physical disqualification:*



- (i) *Knock-knees*
 - (ii) *Bow legs*
 - (iii) *Flat feet*
 - (iv) *Varicose Veins*
- (d) *Must be free from all congenital diseases and or deformities as certified by Medical Board constituted for this purpose."*

The physical standard test prescribed for men i.e., height – 168 c.m., chest, 86 c.m., when full expanded (minimum expansion must be 5 Cms). Admittedly, the petitioners would not qualify themselves with the prescribed height.

9. In the first physical standard test, the petitioners failed to qualify and the second respondent – KPSC referred them to second physical standard test. It is not known how the KPSC referred the petitioners for second physical standard test and the second respondent has not brought to the notice of this Court the provision under which the petitioners were referred to second physical standard test. In the absence of the provision to



refer for second physical standard test, the KPSC could not have referred the petitioners for second physical standard test.

10. It is seen that in the second physical standard test, the petitioners qualified and it is the case of the petitioners, that the second physical standard test report ought to be considered in favour of the petitioners and their names should be considered for selection and appointment for the post of Motor Vehicle Inspectors. The Tribunal taking note of the said contention directed the petitioners to be present before the Tribunal on 13.09.2019 and subjected them to physical standard test by Medical Officer attached to the Tribunal. Paragraph (8) of the Tribunal order reads as follows:

"8. However, to allay the apprehension of Applicants as to their physical standards test result, the learned counsel for Applicants was directed to keep all the Applicants present before this Tribunal on 13.9.2019 and accordingly they were present on 13.9.2019 and they were referred for medical examination by Medical Officer attached to this



Tribunal' Accordingly, the Medical Officer examined their height and chest girth measurement and furnished a report as under:

Applicant No.1 (Harish N.V.)

Height 165 cms. - Chest 93 - 98 cms.

Applicant No.2 (Ravindra)

Height 165 cms. - Chest 78 - 83 cms.

Applicant No.3 (Manohar M.Murnal)

Height 162 cms. - Chest 88 - 93 cms.

Applicant No.4 (Siddappa Malad)

Height 164.5 cms. - Chest 91 - 96 cms.

Applicant No.5 (Pradeepkumar Y.M.)

Height - 170 cms. - Chest 94 - 99 cms."

The above would make it abundantly clear that the petitioners, when subjected to medical test before the Tribunal itself, have failed to qualify in respect of the height and as such, the Tribunal rightly rejected their prayer.

11. Insofar as the contention of the petitioners that they would be entitled to similar direction on parity as issued to Smt.Pooja N. Naik in W.P.No.11233/2023 dated



08.11.2024, the petitioners cannot claim such parity since when they were subjected to physical standard test before the Tribunal, they have failed to qualify. Moreover, the petitioners have not challenged the subsequent revised list published on 26.10.2023 (Annexure-J).

12. For the reasons recorded above, we do not find any merit in the writ petition and accordingly, writ petition stands rejected.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

NC
CT:bms
List No.: 2 Sl No.: 1