



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 185 OF 2024 (S-RES)

BETWEEN:

SRI. KIRAN R.G.
S/O R M GOVINDE GOWDA
ATTENDER AT RUDRAPATNA GRAM PANCHAYAT
AGED ABOUT 22 YEARS
R/AT RUDRAPATNA VILLAGE
ARAKALGUD TALUK
HASSAN DISTRICT-573 102.

...APPELLANT

(BY SRI. CHANDRAKANTH R GOULAY, ADVOCATE)

AND:

1. OFFICE OF ZILLA PANCHAYATH
HASSAN
HASSAN DISTRICT-573 201.
2. EXECUTIVE OFFICER
TALUK PANCHAYAT
ARAKALGUD, ARAKALGUD TALUK
HASSAN DISTRICT-573 102.
3. PRESIDENT
RUDRAPATNA GRAM PANCHAYAT
ARAKALGUD TALUK
HASSAN DISTRICT-573 102.

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



4. PANCHAYATH DEVELOPMENT OFFICER
RUDRAPATNA GRAM PANCHAYAT
ARAKALGUD TALUK
HASSAN DISTRICT-573 102.

5. SRI. SACHIDANANDA A
S/O AMASEGOWDA
AGED ABOUT 23 YEARS
R/AT ANANDUR VILLAGE
RAMANATHAPURA HOBLI
ARAKALAGUD TALUK
HASSAN DISTRICT-573 102.

...RESPONDENTS

(BY SRI. A.N. NAGARAJAPPA, ADVOCATE FOR R1-R4,
SRI. VIJAYKUMAR T, ADVOCATE FOR R5)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF THE
LEARNED SINGLE JUDGE MADE ON 23/09/2023 IN WP
NO.5361/2022.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ appeal has been filed impugning the judgment and order dated 23.09.2023 passed in W.P.No.5361/2022.

2. The matter relates to the appointment to the post of Attender in respondent No.3-Gram Panchayat. The selection to the post was to be made on the basis of the marks secured in SSLC examination. The contesting respondent's application was not considered by the authorities on the ground that he did not furnished SSLC marks sheet, whereas he had submitted PUC marks sheet in 2017 itself which would presuppose passing of the SSLC by the contesting respondent.

3. It is not in dispute that the contesting respondent is more meritorious than the appellant who got selected as the appellant had secured 57.44% marks, whereas the contesting respondent had secured 72.93% marks.

4. The contesting respondent's case is that he was wrongly excluded and the appellant was incorrectly appointed.



If the merit of two candidates is to be compared, the contesting respondent is more meritorious in terms of the marks secured by two candidates in SSLC examination.

5. Considering the said submissions, the learned Single Judge directed the respondent-authority i.e., the Panchayat to compare the marks obtained by the appellant and the contesting respondent in SSLC examination and if the contesting respondent was found to be more meritorious, he should be offered an appointment.

6. In compliance of the direction, the Panchayat compared the marks of two candidates and having found that the contesting respondent was more meritorious, he has been offered an appointment.

7. We do not agree with the submission of the learned counsel for the appellant that the contesting respondent exercised the political influence to get his application included.

8. We have perused the records, from which, it is evident that the contesting respondent had filed his application on 09.03.2020 and the petitioner had filed the application on



20.03.2020. The application filed by the contesting respondent and the appellant were well within time. If the contesting respondent could have exercised the political influence, he would have been appointed and not the appellant. Therefore, there is no merit in the submission of the learned counsel for the appellant that the contesting respondent had exercised the political influence to get his name included.

9. Learned counsel for the appellant has further submitted that the respondent did not file SSLC marks sheet along with application. However, there is no dispute that the contesting respondent had filed his second PUC marks sheet which presupposes that he had qualified the SSLC.

10. The another submission of the learned counsel for the appellant is that since the contesting respondent has challenged the appointment of the appellant after two years, the Writ Petition ought not to have been entertained. In support of his case, he relied on the judgment of this Court in the case of ***The Selection Authority and Secretary vs. Smt. Geetha Dattatreya Gokarn*** in ***W.P.No.103063/2021*** dated 23.02.2022.



11. We do not accept such a submission in as much as illegal appointment cannot get validation even if it is challenged after some point of time.

12. As the contesting respondent is more meritorious and he was wrongly excluded from the appointment to the post of Attender in respondent No.3-Panchayat, we do not find that the learned Single Judge has committed any error which requires interference by this Court in the present appeal and thus, we find no merit in the appeal and the same is ***dismissed.***

Pending Interlocutory Applications, if any, shall stand disposed of.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 5