



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 4378 OF 2021 (S-RES)

BETWEEN:

PRATHIMA K Y
W/O. GIRISH M K
AGED ABOUT 35 YEARS
WORKING AS LINE MAN
CESC, SECTION OFFICE
HIRISAVE SECTION
NUGGEHALLI SUB DIVISION
CHANNARAYAPATNA DIVISION
HASSAN CIRCLE,
HASSAN DISTRICT-573124

...PETITIONER

(BY SRI.AKHILESH B, ADVOCATE FOR
SMT. BINU M, ADVOCATE)

AND:

1. THE DIRECTOR
KARNATAKA POWER TRANSMISSION
CORPORATION LTD.,
DEPARTMENT OF ADMINISTRATION
AND HUMAN RESOURCES
CAUVERY BHAVAN, KG ROAD
BANGALORE 09.
2. CHAMUNDESHWARI ELECTRICITY
SUPPLY CORPORATION LTD
REP. BY ITS MANAGING DIRECTOR
NO. 29, VIJAYANAGAR 2ND STAGE
HINAKAL, MYSORE-570017.





3. THE SUPERINTENDING ENGINEER (E)
AND SELECTION AUTHORITY
O & M CIRCLE, CHAMUNDESHWARI
ELECTRICITY SUPPLY CORPORATION LTD,
SANTHEPETE, BM ROAD
HASSAN-573201.
4. THE DEPUTY CONTROLLER OF ACCOUNTS
O AND M CIRCLE, CHAMUNDESHWARI ELECTRICITY
SUPPLY CORPORATION LTD
SANTHEPETE, BM ROAD
HASSAN 573201.
5. SMT. SHANTHALA D S
MAJOR
WORKING AS ASSISTANT O & M -1
CESC, CITY SUB DIVISION
10TH CROSS, K R PURAM SECTION
K R PURAM,
HASSAN DISTRICT-573201

...RESPONDENTS

(BY SMT. SHUBHA S, ADVOCATE FOR R1:
SMT. RAKSHITHA D.J., ADVOCATE FOR R3 & R4:
R2 & R5 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE APPOINTMENT ORDER DATED: 05.02.2020 ISSUED
BY THE R-3 IN FAVOUR OF R-5 VIDE ANNEXURE-J AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, the petitioner sought for the following reliefs:

"a) quash the appointment order dated 05-02-2020 issued by the 3rd respondent in favour of 5th respondent vide Annexure- J.

b) Issue writ of Mandamus to respondent No.2 to 4 to announce the final list of selection for the post of Assistant in respect of notification bearing - AIEM(V)/ULENI/LEA/HISA/CYS-28 dated 1-02-2017Vide Annexure-A.

c) Issue writ of Mandamus to the Respondent No. 1 to 4 to select the petitioner to post of Assistant under General Merit woman quota on merit list by considering her representation dated 20- 03-2020 vide Annexure-K.

d) to grant such other relief/s as this Hon'ble court be please to deems fit and proper, in the above case, to meet the ends of justice."

2. The respondent No.3-Corporation issued notification dated 01.02.2017 inviting applications from eligible in-service candidates under the 10% direct recruitment quota for the posts of Junior Engineer/Assistant/Junior Assistant (Annexure-A). Insofar as the post of 'Assistant' is concerned, six (6) posts were notified. Out of these, one post was reserved for General Merit, one for General



Merit–Women, one for Scheduled Caste, two for Scheduled Tribe and one for Category–III. The petitioner, who was working as a Lineman in the respondent–Corporation, applied for the post of Assistant under the General Merit–Women category. A provisional selection list was published. The petitioner did not raise any objection to the same. Since no candidate had applied under Category–III, selection was completed in respect of the remaining five posts and the list was published as per Annexure–E dated 24.10.2017. After interview and verification of documents, appointment orders were issued to five candidates. However, two candidates, namely, Mr.Santhosh.M. (selected under General Merit category) and Mr.K.M.Lokesh (selected as stand-by under General Merit category), did not report for duty. Contending that she was the next eligible candidate, the petitioner sought appointment to the post of Assistant. Since her request has not been considered, she has filed the present writ petition.



3. Learned counsel for the petitioner contends that Smt.D.S.Shanthala, who was selected under the General Merit–Women category, could be accommodated against the General Merit vacancy, and consequently, the petitioner, being next in merit under the General Merit–Women category, ought to be appointed. He further contented that since the candidates, namely, Mr.Santhosh.M and Mr.K.M.Lokesh, who are selected under General Merit category did not report to duty, such adjustment ought to be made in order to accommodate the petitioner.

4. Per contra, learned counsel for the respondent–Corporation submits that the selection list was prepared strictly in accordance with merit and applicable reservation. Mr. Santhosh M., having secured 61.06%, was selected under General Merit category. Mr. K.M. Lokesh secured 60.33% and was selected as stand-by under General Merit category. Smt. D.S. Shanthala, having



secured 60.08%, was selected under General Merit–Women category. The petitioner secured 56.10%, which is lower than the above candidates. It is contended that there is no provision in the notification for preparation of any additional or waiting list. In the event of non-reporting of selected candidates, the only course open to the employer is to carry forward the vacancy to the next recruitment process. In support of this contention, reliance is placed on the judgment of the Hon’ble Supreme Court in the case of **Vallampati Sathish Babu v. State of Andhra Pradesh and Others** reported in **(2022) 13 SCC 193**.

5. Heard the learned counsel for the parties. Perused the writ papers.

6. The respondent No.3-Corporation has invited applications from the eligible candidates under the quota of 10% direct recruitment reserved for in-service candidates for the post of Junior Engineer/Assistant/Junior



Assistant as per notification at Annexure-A. Petitioner is working as a Lineman. She filed an application to the post of Assistant under General Merit-Women category. Under the post of Assistant, 6 posts have been reserved. The relevant portion of the notification dated 01.02.2017 is extracted below:

2. ಸಹಾಯಕ, ಹುದ್ದೆಯ ವೇತನ ಶ್ರೇಣಿ ರೂ. 10250-300-11750-36013910-420-16850-510-18890-570-20600-620-23080-700-25180

ಮೀಸಲಾತಿ ವರ್ಗೀಕರಣ	ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮೀಸಲು ಹುದ್ದೆಗಳು			ಪರಿಶಿಷ್ಟ ಪಂಗಡ ಮೀಸಲು ಹುದ್ದೆಗಳು			ಸಾಮಾನ್ಯ	ಪ್ರವರ್ಗ-	2ಎ	2ಬಿ	3ಎ	3ಬಿ	ಒಟ್ಟು
	ಬ್ರಾಹ್ಮಣ	ಹಾಲಿ	ಒಟ್ಟು	ಬ್ರಾಹ್ಮಣ	ಹಾಲಿ	ಒಟ್ಟು							
ಸಾ.ಅ	0	1	1	1	1	2	1	1	0	0	0	0	5
ಮ.ಅ	0	0	0	0	0	0	1	0	0	0	0	0	1
ಗ್ರಾ.ಅ	0	0	0	0	0	0	0	0	0	0	0	0	0
ಅಂ.ಅ	0	0	0	0	0	0	0	0	0	0	0	0	0
ಮಾ.ಸೈ	0	0	0	0	0	0	0	0	0	0	0	0	0
ಕ.ಮಾ.ಅ	0	0	0	0	0	0	0	0	0	0	0	0	0
ಯೋಜನಾ.ನಿ	0	0	0	0	0	0	0	0	0	0	0	0	0
ಒಟ್ಟು	0	1	1	1	1	2	2	1	0	0	0	0	6

7. Thereafter, the provisional selection list for the post of Assistant has been issued, wherein, one Mr.Santhosh M. has scored highest marks with 61.06% and has been selected under General Merit category. Next, one Mr.K.M.Lokesh as scored 60.33% and selected under General Merit category as standby-by. In respect of General Merit-Women category, one Smt.D.S.Shantala has scored



60.08%. The petitioner has scored 56.10%. Thus, it is evident that the petitioner did not secure sufficient marks either under the General Merit category or under the General Merit–Women category. Except the post reserved under Category–III (for which no application was received), the remaining five posts for the post of Assistant were filled and appointment orders were issued. Admittedly, two selected candidates i.e., Mr.Santhosh.M under General Merit Category and K.M.Lokesh under General Merit Category (stand-by) did not report to duty.

8. The notification does not provide for preparation of any waiting list. In the absence of such a provision, the next candidate in the merit list cannot claim appointment merely because a selected candidate has not reported to duty. The vacancy arising due to non-reporting is required to be carried forward to the next recruitment process. Relevant paragraphs 16 and 17 of Vallampati's case are extracted below:



"16. In the present case, the final selection list of 33 candidates was prepared. Thereafter all the selected candidates were called for counselling, but one of the candidates did not report for counselling. The aforesaid event took place after the final selection list was prepared and published. As there was no requirement of preparation of a waiting list, the appellant claiming to be the next in the merit cannot claim any appointment as his name neither figured in the list of the selected candidates nor in any waiting list as there was no provision at all for preparation of the waiting list. Sub-rule (5) of Rule 16 is very clear. Therefore, the post remained unfilled due to one of the candidates in the final list did not appear for counselling and/or accepted the employment. Hence, that post has to be carried forward for the next recruitment.

17. The appellant could have claimed the appointment to the post which remained unfilled provided there is a provision for waiting list as per the statutory provision. In absence of any specific provision for waiting list and on the contrary, there being a specific provision that there shall not be any waiting list and that the post remaining unfilled on any ground shall have to be carried forward for the next recruitment. The appellant herein, thus, had no right to claim any appointment to the post which remained unfilled."

9. In view of the law laid down by the Hon'ble Apex Court in the case referred above, the petitioner cannot seek posting to the post, which has fallen vacant due to non-reporting to duty by the selected candidates.



10. As regards the contention of the petitioner that Smt.D.S.Shanthala should be adjusted under the General Merit category and the petitioner be accommodated under the General Merit–Women category, such an exercise cannot be undertaken after publication of the final selection list and issuance of appointment orders. No statutory provision or binding precedent has been placed before this Court to support such re-adjustment at this stage. Therefore, the said contention is untenable.

11. In view of the above discussion, the writ petition is devoid of merit. Accordingly, the writ petition is **dismissed.**

12. All pending, I.As., if any are disposed of.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 25