



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD 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. 22630 OF 2024 (S-KSAT)

BETWEEN:

1. SRI. VEERANAGOWDA PATIL
S/O SHIVANAGOWDA PATIL,
AGED 34 YEARS,
SECTOR -10, PLOT NO.B29,
NAVANAGARA
BAGAKOT - 587103.
2. SRI KARTHIK RAJA K V
S/O VEERESH,
AGED 38 YEARS,
RESIDING AT NO.40,
OFFICIAL COLONY,
T B DAM, HOSAPETE,
TALUK HOSAPETE,
DISTRICT BELLARY - 583201.

Digitally signed by
NANJUNDACHARI
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. NAIK NITYANAND VENKATARAMAN, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
TO THE GOVERNMENT,



DEPARTMENT OF TRANSPORT,
M S BUILDING,
BENGALURU - 560001.

2. KARNATAKA PUBLIC SERVICE
COMMISSION
UDYOGA SOUDHA
PARK HOUSE ROAD,
BENGALURU- 560001.
REP. BY ITS SECRETARY.

...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 I) ISSUE WRIT, ORDER OR DIRECTION THE NATURE OF CERTIORARI THE IMPUGNED ORDER DATED 22/09/2023 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO.2400 AND 2401/2022 VIDE ANNEXURE-A BY ALLOWING THE APPLICATION NOS.2400 AND 2401/2022 FILED BY THE PETITIONERS VIDE ANNEXURE-B BY GRANTING THE RELIEF AS PRAYED FOR AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 K.V.ARAVIND)

Heard Sri Naik Nityanand Venkataraman, learned counsel appearing for the petitioners, and Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent No.1.

2. The unsuccessful applicants in Application Nos. 2400 and 2401 of 2022 are before this Court assailing the order dated 22.09.2023 passed by the Karnataka State Administrative Tribunal at Bengaluru (hereinafter referred to as the "Tribunal").

3. Pursuant to the Notification dated 04.02.2016, the petitioners applied for the posts of Motor Vehicle Inspectors, claiming reservation under the 2A/HK and SC categories, respectively. The petitioners participated in the competitive examination; however, they were unsuccessful in the selection process. The said Notification provided for reservation in favour of physically handicapped (hereinafter referred to as "PH") candidates. It is contended that no eligible PH candidates were



available to fill the reserved posts. In that backdrop, the petitioners approached the Tribunal seeking a direction to the respondents to consider their candidature against the posts reserved for the PH category, which are stated to be lying vacant as per the Provisional List dated 30.04.2022. The Tribunal rejected the application vide order dated 22.09.2023.

4. Sri Naik Nityanand Venkataraman, learned counsel appearing for the petitioners, submits that the reservation of posts in the cadre of Motor Vehicle Inspectors for PH category is violative of Article 14 of the Constitution of India. It is contended that the qualifications prescribed for the said post are incapable of being fulfilled by PH candidates and, therefore, the reservation made in their favour is arbitrary. It is further submitted that both the reservation and the eligibility criteria prescribed suffer from arbitrariness.

4.1 Learned counsel would argue that, since the eligibility criteria cannot be satisfied by PH candidates, the imposition of such conditions, being impossible of performance, has the effect of depriving the petitioners of a fair opportunity of selection. In particular, it is pointed out that one of the



essential conditions is the possession of a valid driving licence, which, according to the learned counsel, cannot be fulfilled by a PH candidate. It is further submitted that, in other departments, having regard to the nature of duties and the requisite qualifications, no such reservation is provided for PH candidates.

4.2 On the aforesaid grounds, learned counsel prays that the writ petition be allowed and a direction be issued to the authorities to consider the petitioners for appointment to the posts of Motor Vehicle Inspectors against the vacancies reserved for PH candidates.

5. Per contra, Sri Shivareddy, learned Additional Government Advocate appearing for respondent No.1, submits that the petitioners, having participated in the selection process without challenging the Recruitment Notification, the prescribed qualifications, or the eligibility criteria, cannot now, after being unsuccessful, assail the Provisional List and seek consideration of their candidature against the posts reserved for PH candidates. It is contended that it is not open to the petitioners to raise any grievance against the Recruitment Notification



after having participated in the selection process. Learned counsel further submits that there is no provision enabling the filling up of vacant posts reserved for PH candidates by candidates belonging to other categories.

6. Sri K. M. Prakash, learned counsel appearing for the second respondent, supporting the submissions made by the learned Additional Government Advocate, submits that the Tribunal is justified in rejecting the application. It is contended that, in the absence of any challenge to the Recruitment Notification, the correctness or otherwise of providing reservation to physically handicapped persons cannot be questioned or examined in the present writ petition.

7. We have considered the submissions made by the learned counsel appearing for the respective parties.

8. It is not in dispute that the petitioners had applied, pursuant to the Notification dated 04.02.2016, for the posts of Motor Vehicle Inspectors, claiming reservation under the 2A/HK and SC categories respectively. The petitioners appeared for the written examination; however, they were not selected. It is



only after the publication of the Provisional Selection List dated 30.04.2022, upon noticing that the posts reserved for the PH category were lying vacant, that the petitioners approached the Tribunal by filing the application with the following prayer:

"1. Pass an appropriate order directing the Respondents to consider Applicants for the posts of Motor Vehicle Inspectors reserved under Physically Handicapped category, which are lying vacant as per the provisional list dated 30/04/2022 issued by the 2nd Respondent as per Annexure A4."

9. The Tribunal, having taken note of the fact that the application was filed after the petitioners had participated in the selection process and were unsuccessful, rejected the same. The prayer seeking conversion of posts reserved for the PH category, which are stated to be lying vacant, and for consideration of other candidates, including the petitioners, against such posts, is not legally permissible.



10. Once a post is reserved for a particular category, namely the PH category, in the absence of any enabling provision for conversion of such category, particularly in respect of posts reserved for PH candidates, the very prayer is misconceived.

11. The other contentions urged by the learned counsel for the parties, namely, that the conditions prescribed for PH candidates are incapable of performance, and that no such reservation is provided for PH candidates in other departments, cannot be examined in the present petition. The petitioners have neither challenged the Recruitment Notification, nor the eligibility criteria prescribed therein, nor the reservation provided, either before the Tribunal or before this Court. In the absence of such a challenge, as well as the necessary pleadings and relief sought in that regard, the prayer to direct the authorities to consider the petitioners against the posts reserved for the PH category has been rightly rejected by the Tribunal. Moreover, identification of post for PH candidates is made under the provision of the PWD Act, 2016 and such identification of post is not under challenge.



12. We find no infirmity or error in the order passed by the Tribunal warranting interference by this Court in the present petition. The writ petition is devoid of merit and is, accordingly, ***dismissed***.

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

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

Bsv
CT:bms
List No.: 2 SI No.: 12