



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1382 OF 2025 (S-RES)

BETWEEN:

SMT GEETHA G
AGED ABOUT 36 YEARS,
W/O.RAMAMURTHY R,
RESIDING AT REDDYHALLI, KGF,
GHATTAKAMADENAHALI,
KOLAR 563 121.

...APPELLANT

(BY SRI. SHIVARAMU H.C.,ADVOCATE)

AND:

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka

1. STATE OF KARNATAKA
REPRESENTED BY
PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION,
(PRIMARY AND SECONDARY EDUCATION),
VIDHANA SOUDHA, BANGALORE.
2. KARNATAKA RESIDENTIAL
EDUCATIONAL INSTITUTIONS SOCIETY,
REPRESENTED BY ITS DIRECTOR,
KMF BUILDING,
CUNNINGHAM ROAD,
KAVERAPPA LAYOUT,



VASANTH NAGAR,
BANGALORE - 560 052.

3. MORARJI DESAI RESIDENTIAL
SCHOOL, REPRESENTED
BY ITS PRINCIPAL,
RAICHUR DISTRICT,
RAICHUR - 561 222.

...RESPONDENTS

(BY SRI M.N.SUDEV HEGDE, AGA FOR R.1)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE WRIT APPEAL SETTING ASIDE THE ORDER DATED 10.07.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP No.14871/2025, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

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

This writ appeal has been filed impugning the common order dated 10.07.2025 passed by the learned Single Judge in W.P.Nos.14860/2025 c/w 14871/2025 and 14872/2025.



2. The parties are referred to as per their rankings before the Writ Court.

3. The appellant in this appeal is the petitioner in W.P.No.14871/2025. The petitioner had challenged the order dated 22.04.2025 issued by the Executive Director, Karnataka Residential Educational Institutions Society terminating the employment of the petitioner as non teaching staff for residential institutions in pursuance of the notification issued on 27.04.2011. In her application, the petitioner had claimed reservation for dependents of the ex-serviceman as defined under Rule 9(1) of the Karnataka Civil Services (General Recruitment) Rules, 1977 ('the Rules' for short).

4. The petitioner came to be appointed on 04.06.2012 giving the benefit of the said rules. However, it came to be known that the petitioner was not entitled for the benefit of Rule 9 of the Rules. As per Rule 9 only those dependents of the ex-serviceman who were invalided out of service on account of disability suffered



during service or killed in action. Though the petitioner in the present case was a daughter of ex-serviceman, her father was not invalided out of service because of 100% disability, but he retired from service on attaining the age of superannuation.

5. Rule 9 of Karnataka Civil Services (General Recruitment) Rules, 1977 would read as under:

"9. Provision for Ex-serviceman [Person with bench mark disability] and [members of the family of a project displaced persons] [Women] and [Kannada Medium Students]

(1) Notwithstanding anything contained in the rules of recruitment specially made in respect of any service or post, if in such rules or recruitment direct recruitment is prescribed as one of the methods of recruitment, [ten percentage of the vacancies set apart for that method in each of the categories of General Merit, Scheduled Castes and Scheduled Tribes and in each of the Categories among Other Backward Classes shall be reserved for, and] shall be filled by direct recruitment from among ex-servicemen and members of the families of persons who, while serving in the Armed Forces of the Union, were either killed or permanently disabled.



Explanation:-For the purpose of this sub-rule members of the family means the wife or husband, as the case may be, and children and step children wholly dependent on the person who served in the Armed Forces of the Union.”

6. The termination came to be challenged by the petitioner and others by filing the writ petitions. However, learned single Judge, having considered the facts and also the scope of Rule 9 of Rules, was of the view that the petitioners' claim for benefit of Rule 9 was a kind of fraud and they had obtained the public employment by playing fraud. The learned Single Judge also placed reliance on the following judgments:

1) ***Employers in Relation to the Management of Bhalgora Area (Now Kustore Area) of Bharat Coking Coal vs. Workmen Being Represented by Janata Mazdoor Sangh***¹

¹ (2021)10 SCC 717



2) *R.Vishwanatha Pillai vs. State of Kerala*²

7. The facts are not in dispute that the petitioner was not entitled to claim the benefit of Rule 9 of the Rules inasmuch as the petitioner's father was not invalided out of service on account of 100% disability suffered in the service nor he was killed in action. Under only those two conditions, the dependents of ex-serviceman are entitled to the benefit of Rule 9 of the Rules.

8. The conditions precedent to claim benefit under Rule 9 of the Rules were not present in case of the petitioner. Hence, the benefit claimed by her and getting the appointment in the category of Rule 9 of the Rules was nothing but fraud. Fraud vitiates everything and delay in taking action would not justify the fraud committed in getting the public employment. If the public employment has been obtained by playing fraud, such appointment is *void-ab-initio*. Void appointment does not confer any right either in law or in equity.

² (2004) 2 SCC 105



9. Therefore, we are of the considered view that this is not a fit case for continuation of the petitioner in service inasmuch as the appointment of the petitioner was *void ab initio*. Thus, we dismiss this appeal upholding the impugned order passed by the learned Single Judge. However, considering the fact that the petitioner has rendered 13 long years before she was terminated, if a future vacancy arises, the petitioner shall be given age relaxation for 13 years while considering her candidature against such vacancy, if she is otherwise qualified.

With the aforesaid observations, this appeal is dismissed.

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

**Sd/-
(T.M.NADAF)
JUDGE**

AKC
List No.: 1 Sl No.: 2