



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

PRESENT

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

AND

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

WRIT PETITION NO. 25940 OF 2023 (S-KSAT)

BETWEEN:

1. KAVYASHREE Y.,
D/O. YOGENDRA KUMAR M.D.,
W/O. SHYAM G.G.,
AGED ABOUT 32 YEARS,
SULUGODU, BALEHITLU,
BULLAPURA MALLIGE POST,
THIRTHAHALLI, SHIMOGGA,
KARNATAKA - 577 415.

...PETITIONER

(BY SRI SHOWRI H.R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
CHIEF SECRETARY,
DEPARTMENT OF EDUCATION,
(SCHOOL EDUCATION AND LITERACY),
M S BUILDING,
BANGALORE - 56001.





2. THE COMMISSIONER
PUBLIC INSTRUCTION DEPARTMENT,
K R CIRCLE, NRUPATHUNGA ROAD,
BANGALORE - 560 001.
3. SELECTION AUTHORITY AND
DEPUTY DIRECTOR FOR
PUBLIC INSTRUCTIONS ADMINISTRATION,
SHIVAMOGGA - 577 201.
4. NAWAB KHAN A.,
S/O. AKBAR KHAN,
AGED ABOUT 39 YEARS,
R/AT CHIRADONI ROAD,
SAGARAPETE, BASAVAPATNA,
CHENNGIRI, DAVANAGERE,
KARNATAKA - 577 551.

...RESPONDENTS

(BY SRI V.G. BHANUPRAKASH, AAG A/W
SRI V. SHIVAREDDY, AGA FOR R1 TO T3;
SRI ZAMEER PASHA, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 19.09.2023 AS PER ANNEXURE-A TO THE WP PASSED BY THE HONBLE KSAT IN A.No-1003/2023 AND ALLOW THE APPLICATION FILED BY THE PETITIONER AS PRAYED FOR 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 K. V. ARAVIND)

Heard Sri H.R. Showri, learned counsel for the petitioner;
Sri V.G. Bhanuprakash, learned Additional Advocate General
along with Sri V. Shivareddy, learned Additional Government
Advocate for respondent Nos.1 to 3, and Sri Zameer Pasha,
learned counsel for respondent No.4.

2. This writ petition is filed by the applicant in
Application No.1003/2023, assailing the order dated
19.09.2023 passed by the Karnataka State Administrative
Tribunal at Bengaluru (for short, 'the Tribunal').

3. The brief facts are that a notification was issued for
the post of Graduate Primary School Teachers for Classes VI to
VIII. The petitioner submitted an application claiming the
benefit of the Project Displaced Person Quota (PDP). In the
year 1987, the property belonging to the petitioner's family was
acquired for the construction of the Varahi Hydro Electric Power
Station. The petitioner's family consists of her father, mother



and younger sister. The petitioner possesses B.A. and B.Ed. degrees and secured 61.8253% marks in the examination held on 21.05.2022 and 22.05.2022. As on the date of the application, the petitioner was married and had mentioned her marital status as married in the application. The petitioner was not considered for selection and thereafter submitted representations. A provisional selection list of candidates was announced without including the name of the petitioner. Aggrieved thereby, the petitioner approached the Tribunal seeking appointment under the PDP quota.

3.1 The respondent-authorities before the Tribunal contended that the certificate was issued in the name of the petitioner's father. It was further contended that, as per Rule 9(1AA), Explanation (2) of the Karnataka Civil Services (General Recruitment) Rules, 1977 (for short, 'the 1977 Rules'), only an unmarried daughter residing with the project displaced person and dependent on him is eligible. It was also contended that, in view of the petitioner being married, she is not entitled to claim the benefit of the PDP quota. It was further contended that if the case of the petitioner is accepted for appointment, the selection of respondent No.4 would be



affected. Hence, respondent No.4 was also made a party to the proceedings.

3.2 The fourth respondent contended that the certificate produced by the petitioner is dated 13.10.2022, whereas the notification is dated 21.03.2022. It was further contended that a certificate issued after the notification cannot be considered. The Tribunal accepted the contention of respondent No.4 and held that the certificate produced is not in the prescribed format and that it was issued after the notification; hence, it cannot be considered. Accordingly, the application was rejected.

4. Sri H.R. Showri, learned counsel appearing for the petitioner, submits that the candidature of the petitioner was rejected under the PDP quota on the ground that she is married and, therefore, not eligible. It is submitted that discrimination between a married and an unmarried daughter is not permissible. Learned counsel, relying on the judgment of this Court in **Writ Petition No.20185/2024** dated **02.02.2026**, contends that a married daughter is also eligible to claim the benefit of the PDP quota.



4.1 Learned counsel further submits that the certificate issued by the competent authorities was produced along with the application. The certificate dated 13.10.2022, produced after the last date for submitting the application, constitutes a curable defect. It is submitted that the eligibility to claim the PDP quota does not change merely because the certificate in the prescribed format was produced after the last date. It is therefore submitted that the Tribunal, without considering the above aspects, committed an error in rejecting the application.

5. Sri V.G. Banuprakash, learned Additional Advocate General, along with Sri V. Shivareddy, learned Additional Government Advocate appearing for respondent Nos.1 to 3, submits that under the 1977 Rules, as on the date of the notification, a married daughter is not eligible to claim the benefit of the PDP quota. Alternatively, it is submitted that the notification is dated 21.03.2022 and the last date for filing the application was 22.04.2022, whereas the PDP certificate in the prescribed format is dated 13.10.2022. It is therefore submitted that the certificate obtained after the last date for filing the application cannot be considered.



5.1 It is further submitted that the petitioner ought to have produced the PDP certificate along with the application. Learned Additional Advocate General further submits that the selection list has already been finalized and respondent No.4 has been selected. It is submitted that if the case of the petitioner is considered, the selection of respondent No.4 would be disturbed.

6. Sri Zameer Pasha, learned counsel appearing for respondent No.4, submits that respondent No.4 has been selected on merit in due compliance with the selection process. It is submitted that if the case of the petitioner is considered for appointment, the selection of respondent No.4 would be unsettled without any fault on his part. Learned counsel further submits that while considering the case of the petitioner, the resultant consequences of respondent No.4 being deselected are also required to be taken into consideration.

6.1 With the above submissions, learned counsel prays for dismissal of the writ petition.



7. We have considered the submissions of learned counsel for the parties and perused the entire writ petition papers.

8. The acquisition of the property belonging to the petitioner's family in the year 1987 for the construction of the Varahi Hydro Electric Power Station is not in dispute. The petitioner's family consists of the petitioner, her father, mother and younger sister. The jurisdictional Tahsildar has issued a certificate confirming the acquisition of the petitioner's family land for the said project. The other members of the family have not claimed the benefit of the PDP quota.

8.1 Initially, the case of the petitioner was rejected on account of her marital status. When the notification was issued, the petitioner was married. Though the petitioner had secured merit, she was not selected on the ground that a married daughter is not eligible to claim the benefit of the PDP quota. No other reasons have been assigned for her non-selection. When the non-selection of the petitioner was questioned before the Tribunal, two issues arose for consideration: (i) Whether a



married daughter is entitled for benefit under PDP quota.

(ii) Validity of PDP certificate.

8.2 The petitioner relied on the judgment of the Tribunal declaring that a married daughter is eligible to claim the benefit of the PDP quota. Respondent No.4, the selected candidate, disputed the validity of the PDP certificate produced by the petitioner. The Tribunal adjudicated the second issue relating to the validity of the PDP certificate. It appears that, in view of certain legal principles declaring a married daughter eligible to claim the PDP quota, the Tribunal did not deliberate on that issue. However, in the interest of complete justice, we proceed to examine that issue as well.

8.3 The issue regarding the eligibility of a married daughter to claim the benefit of the PDP quota is no longer *res integra*. This Court, in Writ Petition No.20185/2024 dated 02.02.2026, has held as under:

*"7.1 A similar controversy had arisen with regard to the differential treatment meted out to married and unmarried daughters while seeking appointment on compassionate grounds. This Court, in **Bhuvaneshwari V. Puranik vs. State of Karnataka, W.P. No.17788/2018, disposed of on 15.12.2020, reported in 2020 SCC OnLine Kar 3397, while***



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examining the constitutional validity of the relevant provision, has held as under:

"12.1 Article 14 of the Constitution of India prohibits the State from denying any person equality before the law or equal protection of the laws. Article 16 is of application of general Rule of equality as laid down in Article 14 with special reference to opportunity for appointment and employment under the State. Article 15(1) prohibits discrimination on the ground of religion, race, caste, sex or place of birth. It is an extension of Article 14, which expresses application of principle of equality. Therefore, no citizen shall be discriminated on the grounds of race, caste, sex or place of birth religion. Article 16 takes its root from Article 14 and ensures equality of opportunity in matters of employment under the State. Therefore, the fundamental right to equality means that persons in like situations under like circumstances should be treated alike.

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14.1. Illustration - (i):

In a case where the deceased Government servant having two sons, both of whom are married and one son declines the appointment on the ground that he is not interested in the job, the appointment is offered to the second son in terms of the Rules, married or unmarried hardly makes any difference in interpretation and offer of appointment when it comes to appointment to a son.

14.2. Illustration - (ii):

In a case where the deceased Government servant has two daughters, both of whom are married in terms of the Rules, there can be no appointment given to such a family who has only daughters and all of whom are married thereby, defeating the very object of compassionate appointment.

14.3. Illustration - (iii):

The facts of the case at hand where the deceased Government servant has a son and a daughter, the son declines the appointment on the ground that he is not willing and the daughter is denied on the ground she is married. The factor of dependency which is the key to grant or deny compassionate appointment is not even considered in the case at hand since the definition of



'dependants' and 'family' exclude the daughter who is married.

14.4. xxxx Therefore, the Rules insofar as it creates division of the same object of appointment on the basis of gender by granting appointment to a son without any qualification and denying the same to a daughter with the qualification of "marriage" cannot but be held to be discriminatory. Marriage does not determine the continuance of the relationship of a child with the parent, whether son or a daughter. Son continues to be a son both before and after marriage and a daughter also should continue to be a daughter both before and after marriage. This relationship does not get effaced by the fact of marriage, as marriage does not sever the relationship of the daughter with the parent. These relationships are neither governed nor defined by marital status. This notion on which the Rule is framed cannot answer the tests of Articles 14 and 15 of the Constitution of India."

8. The said view has attained finality. In any event, the said issue would not detain this Court any further in view of the amendment 2 Rule 9 of Rules 1977, whereby a married daughter has been included within the definition of "member of the family". Though the amendment has been brought into force by Notification dated 18.10.2025, the same is intended to remedy the anomaly that existed in the statutory provision. Having regard to the object and purpose of the amendment, it is liable to be construed as retroactive in operation and, therefore, applicable to all pending matters.

8.1 On a reading of the amendment to Rule 9 of the Rules, 1977, construed as having retroactive effect, and on applying the same to the facts of the present case, the discrimination or disentitlement of a married daughter would no longer survive. The very basis of the impugned endorsement thus stands rendered unsustainable."



In view of the above exposition of law, a married daughter is eligible to claim the benefit/reservation under the PDP category.

8.4 The next issue that requires consideration by this Court is the correctness of the PDP certificate. The petitioner, along with her application, produced the certificate issued by the Tahsildar dated 10.05.1990 (Annexure-R2). The respondent-authorities contend that the PDP certificate is required to be furnished in the prescribed format and submit that the certificate dated 13.10.2022 (Annexure-A2) is in the prescribed format.

8.5 However, it is contended that the notification is dated 21.03.2022 and the last date for filing the application was 22.04.2022, and therefore the certificate at Annexure-A2, issued by the prescribed authority in the prescribed format, cannot be considered. There is no change in the eligibility criteria when a comparison is made between the certificate dated 10.05.1990 (Annexure-R2) and the certificate dated 13.10.2022 (Annexure-A2). The respondents have not pointed out any variation in the status or eligibility of the petitioner.



The only contention urged is the absence of the earlier certificate in the prescribed format. When there is no dispute with regard to the eligibility of the petitioner to claim the PDP quota, such a contention can only be regarded as hyper-technical.

8.6 Having regard to the object of providing employment opportunities to the members of families who have lost their valuable lands, means of earning and livelihood, the non-submission of the PDP certificate in the prescribed format is a curable defect. When the certificate in the prescribed format was submitted, the defect stood cured.

8.7 Considering the object behind providing employment opportunities to a member of the family of a project displaced person, the selection of the petitioner, if otherwise eligible, cannot be denied. The non-selection of the petitioner on the ground that the certificate was not in the prescribed format is unreasonable and cannot be sustained. We are therefore of the view that the case of the petitioner is required to be considered for selection to the post of Graduate



Primary School Teachers by extending the benefit of the PDP quota.

9. Respondent No.4 is the selected candidate. If the petitioner is selected, the selection of respondent No.4 would be disturbed. Respondent No.4 has no role in the incorrect rejection of the petitioner's candidature. The petitioner was not selected due to an incorrect understanding and an erroneous decision on the part of the respondent-authorities. Respondent No.4 was aged about 39 years when this writ petition was filed in the year 2023. During the pendency of this writ petition, respondent No.4 would have missed multiple opportunities to seek selection for employment. As on date, he may not even be eligible to participate in any further selection process for appointment. While remedying the injustice caused to the petitioner, the consequential injustice to respondent No.4 also requires to be addressed.

9.1 The interests of respondent No.4 are required to be protected in the absence of any role on his part in the incorrect rejection of the petitioner's candidature. No submission has been made, nor is any material available, to indicate otherwise.



In such circumstances, this Court proceeds on the basis that respondent No.4 has not played any role in the non-selection of the petitioner.

9.2 While directing the respondent-authorities to consider the case of the petitioner for selection to the post of Graduate Primary School Teachers, the respondent-authorities are further directed not to disturb the selection of respondent No.4. If respondent No.4 has not been issued with an appointment letter, the same shall be issued.

9.3 If no post is available in the cadre of Graduate Primary School Teachers, having regard to the peculiar circumstances of the case and the possible injustice caused to the petitioner, who was otherwise deserving of selection at the first instance but for the erroneous understanding and interpretation by the respondent-authorities, we direct the respondent-authorities to create a supernumerary post and issue an appointment order to the petitioner, if she is otherwise eligible.

9.4 In normal circumstances, this Court would be hesitant in directing the creation of a supernumerary post and



in ordering consideration of appointment of aggrieved parties. However, we find the present case to be an exceptional one.

9.5 If the selection of respondent No.4 is not safeguarded, it would cause irreparable injustice and hardship affecting his livelihood and may also have a cascading effect on the livelihood of his family. Hence, considering the present case as one involving rare and peculiar facts, we are inclined to direct the creation of a supernumerary post.

9.6 The selection process commenced in the year 2022. Considering the judicial process that the petitioner and respondent No.4 have undergone, the respondent-authorities are directed to complete the aforesaid exercise within three months from the date of production of a copy of this order.

10. In view of the aforesaid reasoning, the writ petition stands ***disposed of.***

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

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