



NC: 2026:KHC:11893
WP No. 29418 of 2024
C/W WP No. 11730 of 2025
WP No. 27366 of 2025
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 29418 OF 2024 (S-RES)

C/W

WRIT PETITION NO. 11730 OF 2025 (S-RES)

WRIT PETITION NO. 27366 OF 2025 (S-RES)

WRIT PETITION NO. 27549 OF 2025 (S-RES)

IN WP No. 29418/2024

BETWEEN:

SHARANAMMA BASAVARAJA KURI
AGED ABOUT 21 YEARS
D/O BASAVARAJA KURI
MAROL, BAGALKOT, HUNGUND
KARNATAKA 587 118

...PETITIONER

(BY SRI. CHANDAN GOWDA PATIL., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO.320, 3RD FLOOR
VIDHANA SOUDHA, DR AMBEDKAR VEEDHI
BENGALURU-560001.
2. DEPARTMENT OF LAW
REP. BY ITS PRINCIPAL SECRETARY
LAW DEPARTMENT, GROUND FLOOR
VIDHANA SOUDHA, BANGALORE - 560 001.





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3. THE CHIEF JUDGE
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K.G.ROAD, BENGALURU-560 009.
4. THE REGISTRAR
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K.G.ROAD, BENGALURU-560 009.
5. SUDHA BASALINGAPPA KUNDARIMANI
AGED MAJOR
AT POST:CHIPPALATTI
RAMADURGA, BELGAVI-591 130.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 & R2:
SRI T P VIVEKANANDA, ADVOCATE FOR R3 & R4:
SRI ARAVIND H, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI AND THEREBY QUASH THE NOTIFICATION NO. SCC/ADM-I/724/2024 DATED 01.04.2024 ISSUED BY THE R-3 TO THE EXTENT OF SELECTION OF THE R-5 (SI NO.2 OF THE NOTIFICATION) FOR THE POST OF PROCESS SERVER IN COURT OF SMALL CAUSES, BANGALORE ENCLOSED AT ANNEXURE-A AND ETC.

IN WP NO. 11730/2025

BETWEEN:

NANDA HOSAGOUDRA
D/O SANKANAGOUDA
AGED 27 YEARS
R/O BHAGAVATHI VILLAGE
BAGALKOT TALUK & DISTRICT-587115.

...PETITIONER

(BY SRI. S B TOTAD., ADVOCATE)



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AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
LAW DEPARTMENT, VIDHANA SOUDHA
BANGALORE-560001.
2. THE CHIEF JUDGE/ APPOINTING AUTHORITY
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K.G. ROAD, BANGALORE-560009.
3. THE REGISTRAR
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K.G. ROAD, BANGALORE-560009.
4. SUDHA BASALINGAPPA KUDARIMANI
AGED MAJOR
R/O CHIPPALATTI VILLAGE
RAMADURGA TALUK
BELAGAVI DISTRICT-591130.

...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1:
SRI T P VIVEKANANDA, ADVOCATE FOR R2 & R3:
SRI ARAVIND H, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER OF DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED NOTIFICATION BEARING NO. SCC/ADM-I/724/2024 DATED:01.10.2024 ISSUED BY R-2 VIDE ANNEXURE-F AND CONSEQUENTLY SET-ASIDE THE ORDER BEARING NO. AA.VI.1/136/2025, BENGALURU DATED: 15.02.2025 VIDE ANNEXURE-G ISSUED BY R-3 RESPONDENT AND ETC.



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IN WP NO. 27366/2025

BETWEEN:

SHRI. VINOD KATTIMANI
AGED ABOUT 24 YEARS
S/O KALLAPPA KATTIMANI
YATNAL, BIJAPUR
KARNATAKA-586 104

...PETITIONER

(BY SRI. CHANDAN GOWDA PATIL., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA, DR AMBEDKAR VEEDHI
BENGALURU-560001.
2. DEPARTMENT OF LAW
REP. BY ITS PRINCIPAL SECRETARY
LAW DEPARTMENT, GROUND FLOOR
VIDHANA SOUDHA, BANGALORE-560 001.
3. THE CHIEF JUDGE
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K G ROAD, BENGALURU-560009.
4. THE REGISTRAR
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K G ROAD, BENGALURU-560009
5. SHRI PRABHAKAR
AGED ABOUT 22 YEARS
S/O CHANDRASHA RAI
R/O ZALAKI K, JAI BHEEMA NAGAR
ZALAKI K, ALAND, KALABURGI
KARNATAKA-585 236.



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...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1 & R2:
SRI T P VIVEKANANDA, ADVOCATE FOR R3 & R4:
SRI SHANKAR H S, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI AND THEREBY QUASH THE NOTIFICATION NO. SCC/ADM-I/724/2024 DATED 01.04.2024 ISSUED BY THE RESPONDENT NO. 3 TO THE EXTENT OF SELECTION OF THE RESPONDENT NO. 5 (SL NO. 5 OF THE NOTIFICATION) FOR THE POST OF PROCESS SERVER IN THE COURT OF SMALL CAUSES, BANGALORE ENCLOSED AT ANNEXURE-A AND ETC.

IN WP NO. 27549/2025

BETWEEN:

MS. PRIYANKA V
D/O VENKATESHA K S
AGED ABOUT 29 YEARS
#982/40 B NITTUVALI ROAD
BEHIND POLICE QTRS.
BHAGATH SING NAGARA
DAVANAGERE, JAYADEVA CIRCLE
DAVANAGERE, KARNATAKA – 577002

...PETITIONER

(BY SRI. CHANDAN GOWDA PATIL., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA
DR AMBEDKAR VEEDHI
BENGALURU – 560001.



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2. DEPARTMENT OF LAW
REP. BY ITS PRINCIPAL SECRETARY
LAW DEPARTMENT
GROUND FLOOR, VIDHANA SOUDHA
BANGALORE – 560001.
3. THE CHIEF JUDGE
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K G ROAD, BENGALURU - 560009.
4. THE REGISTRAR
COURT OF SMALL CAUSES
CITY CIVIL COURT COMPLEX
K G ROAD, BENGALURU - 560 009.
5. MS. BRUNDA C
D/O CHIKKAMADU
AGED ABOUT 26 YEARS
599, 11TH CROSS, ANIKETHANA ROAD
KUVEMPUNAGAR, MYSURU
MYSURU DISTRICT
KARNATAKA - 570023

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 & R2:
SRI T P VIVEKANANDA., ADVOCATE FOR R3 & R4:
SRI. SHANKAR H S, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI AND THEREBY QUASH THE NOTIFICATION NO. SCC/ADM-I/724/2024 DATED: 01.10.2024 ISSUED BY THE R-3 TO THE EXTENT OF SELECTION OF THE R-5 (SL. NO. 1 OF THE NOTIFICATION) FOR THE POST OF PROCESS SERVER IN THE COURT OF SMALL CAUSES, BANGALORE ENCLOSED AT ANNEXURE-A AND ETC.

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



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

ORAL ORDER

These writ petitions are filed under Articles 226 and 227 of the Constitution of India challenging the appointment of the private respondents to the posts of Process Server on the ground that such appointments are contrary to Rule 5 of the Karnataka Subordinate Courts (Ministerial and Other Posts) (Recruitment) Rules, 1982 (for short, "the 1982 Rules").

2. The brief facts of the case are that the Chief Judge, Court of Small Causes, Bengaluru, issued a notification dated 19.09.2022 inviting applications for the posts of Process Server. Pursuant to the said notification, the petitioner in W.P. No. 29418/2024 applied under the category 2A (Women), and the private respondent in the said petition also applied under the same category. In W.P.No.11730/2025, the petitioner applied under the category 2A (Women), and the private respondent likewise applied under the same category. The petitioner in W.P.



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No.27366/2025 applied under the category GM (Rural), and the private respondent also applied under the same category. Lastly, the petitioner in W.P.No.27549/2025 applied under the category SC (Women), and the private respondent in the said petition applied under the same category.

3. As per the 1982 Rules, a merit list was prepared on the basis of the marks secured in the qualifying examination, and candidates were called for interview accordingly. Both the petitioners and the private respondents were included in the list of candidates called for interview. After conducting the interviews, the private respondents were selected and were issued appointment orders. Being aggrieved by the same, the petitioners are before this Court.

4. The learned counsel appearing for the petitioners contended that, as per Rule 5 of the 1982 Rules, the list of candidates to be called for interview is to be prepared on



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the basis of the percentage of total marks secured in the qualifying examination. Under Rule 5(vii) of the 1982 Rules, the candidates who have secured the highest marks in the interview are to be selected. If the marks obtained in the interview by two or more candidates are equal, the order of merit in respect of such candidates shall be fixed on the basis of their age, older in age being placed higher in the order of merit. It is contended that in W.P.No.11730/2025, the petitioner secured higher marks than the selected candidate (private respondent), yet the private respondent was appointed. In W.P.Nos. 27366/2025 and 27549/2025, though the petitioners and the private respondents secured equal marks, as per Rule 5(vii) of the 1982 Rules, the candidate who is older in age ought to have been considered for appointment. However, contrary to the said Rules, the private respondents were appointed. The same is alleged to be contrary to Rule 5(vii) of the 1982 Rules. Hence, it is prayed that the writ petitions be allowed.



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5. Per contra, the learned Additional Government Advocate appearing for the State, the learned counsel appearing for the private respondents and learned counsel appearing for respondent Nos. 3 and 4 submit that, on a combined reading of Rule 5(ii) and Rule 5(vii) of the 1982 Rules, the select list has to be prepared on the basis of the marks obtained in both the qualifying examination and the interview. Since the private respondents secured higher aggregate marks when both components are considered, their cases were rightly considered and appointments were made. Accordingly, they seek dismissal of the writ petitions.

6. Heard the learned counsels for the parties and perused the writ petition papers.

7. Pursuant to the notification dated 19.09.2022 issued by the third respondent (Chief Judge) inviting applications for the posts of Process Server, both the petitioners and the private respondents submitted their



applications. Rule 5 of the 1982 Rules prescribes the method of recruitment to the post of Process Server. The relevant provisions are extracted below:

"5. Recruitment to the posts of Drivers and Process Servers in Group 'C' and posts in Group 'D':-

.....

(ii) The Appointing Authority shall, from among the candidates who have applied in pursuance of the notification inviting applications under clause (1), for the post of process servers, prepare separate lists of candidates for interview in the order of merit on the basis of percentage of total marks secured in the qualifying examination and taking into consideration the orders issued by the Government relating to the reservation of posts for the Scheduled Caste, Scheduled Tribe and Other Backward Classes including the reservation for women, rural candidates, ex-servicemen and others in accordance with rules in force. The number of candidates to be included in such list of eligible candidates for interview, for the post of process servers shall be equal to twenty-five times the total number of vacancies notified, selected in the order of merit.

.....

vii) The Appointing Authority shall, on the basis of the marks obtained at the interview and taking into



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consideration the orders issued from time to time by the Government relating to the reservation of posts for the Scheduled Castes, Scheduled Tribes and Other Backward Classes including reservation for women, prepare in the order of merit, a list of candidates eligible for appointment to the post. If the marks obtained in the interview by two or more candidates are equal, the order of merit in respect of such candidates shall be fixed on the basis of their age, older in age being placed higher in the order of merit. The number of candidates included in the list of eligible candidates shall be equal to number of vacancies notified."

8. From a reading of Rule 5(ii) of the 1982 Rules, it is clear that the appointing authority, from among the candidates who have applied pursuant to the notification for the post of Process Server, is required to prepare a list of candidates to be called for interview on the basis of the percentage of total marks secured in the qualifying examination. Accordingly, such a list was prepared, and both the petitioners as well as the private respondents were included in the list of candidates called for interview.



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9. Rule 5(vii) of the 1982 Rules clearly stipulates that the appointing authority shall prepare the select list of candidates eligible for appointment to the post strictly on the basis of the marks obtained in the interview, in the order of merit. In the event two or more candidates secure equal marks in the interview, the candidate who is older in age shall be placed higher in the order of merit.

10. In W.P. No. 11730/2025, the petitioner secured 7 marks in the interview, whereas the selected candidate, namely the private respondent, secured only 3 marks. Contrary to Rule 5(vii) of the 1982 Rules, the private respondent was appointed to the post of Process Server. Hence, the appointment order dated 15.02.2025 vide Annexure-G is liable to be quashed.

11. Insofar as W.P.Nos.27366/2025 and 27549/2025 are concerned, the petitioners and the selected candidates secured equal marks in the interview, i.e., 7 marks each and 8 marks each, respectively. As per Rule 5(vii) of the



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1982 Rules, where two candidates secure equal marks, the candidate who is older in age must be placed higher in the order of merit. Since the petitioners in W.P.Nos.27366/2025 and 27549/2025 are older in age than the respective private respondents, the petitioners are entitled to be appointed in place of the private respondents. Hence, the appointment orders issued in favour of the private respondents vide Annexure-A in the said writ petitions are liable to be quashed.

12. Insofar as W.P.No.29418/2024 is concerned, in view of the order passed in W.P.No.11730/2025, the said writ petition is liable to be dismissed.

13. Accordingly, the following order is passed:

(i) W.P.Nos.11730/2025, 27366/2025 and 27549/2025 are allowed.

(ii) The appointment order dated 15.02.2025 vide Annexure-G in W.P.No.11730/2025 and



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the notification dated 01.10.2024 vide Annexure-A in W.P.Nos.27366/2025 and 27549/2025 are hereby quashed.

(iii) W.P.No.29418/2024 is dismissed.

(iv) The respondent-authorities are directed to issue appointment orders in favour of the petitioners in W.P.Nos.11730/2025, 27366 /2025 and 27549/2025, if they are otherwise eligible in accordance with law.

The learned counsel for the private respondents submitted that the private respondents have worked for one and a half years and may be accommodated elsewhere. In this regard, liberty is reserved to the private respondents to approach the competent authority and work out their remedy, if any, available under law.

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

CM
List No.: 1 Sl No.: 44