

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH 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. 36585 OF 2025 (S-KSAT)

BETWEEN:

1. SRI SENDIL KUMAR P
S/O PERUMAL P
AGED 44 YEARS,
WORKING AS HEAD CONSTABLE,
FINGER PRINT BUREAU,
MADIVALA, BENGALURU
R/AT BLOCK C-1, FPB QUARTERS,
FSL COMPOUND, MADIVALA,
BENGALURU - 560 068.
2. SRI MALLIKARJUNA SWAMY, H.R.
S/O RAMACHARI S.
AGED ABOUT 45 YEARS
WORKING AS HEAD CONSTABLE,
FINGER PRINT BUREAU,
FINGER PRINT UNIT,
KOTE POLICE STATION BUILDING,
1ST FLOOR, KOTE ROAD,
SHIVAMOGGA-577 202,
R/AT NO.33, "SHRI SADANA"
OKKALAKERI, 1ST CROSS,
NEAR SIDDESWARA GADDUGE, PURALE,
SHIVAMOGGA TOWN - 577 222.
3. SRI SHIVANANDA K. RATHOD,
S/O KRISHNA,
AGED ABOUT 44 YEARS,
HEAD CONSTABLE,
FINGER PRINT BUREAU, TUMAKURU
WORKING ON DEPUTATION AT FPB,
BELAGAVI
R/AT PWD QUARTERS, BLOCK-1/B



VISHWESHWARAI AH NAGAR,
BELAGAVI- 590010.

4. SRI MANJUNATH.S. TETAMBI,
S/O SURESH,
AGED 48 YEARS,
WORKING AS HEAD CONSTABLE,
FINGER PRINT BUREAU,
BALLARY UNIT, BALLARY,
R/AT POLICE GUEST HOUSE,
BRUCEPET POLICE STATION,
BALLARY-583101.
5. SMT. JYOTHI DESAI,
W/O LAXMIKANTH DESAI,
AGED 46 YEARS,
WORKING AS HEAD CONSTABLE,
FINGER PRINT BUREAU, KALABURAGI,
R/AT KALLUR VILLAGE
TALUK: CHITTAPURA,
DIST: KALABURAGI-585101

...PETITIONERS

(BY SRI. T NARAYANASWAMY, ADV. FOR
SRI RUDRAPPA P., ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA, 4TH FLOOR,
BENGALURU-560001.
2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
KARNATAKA STATE,
NRUPATUNGA ROAD,
BENGALURU-560001.
3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
CRIME AND TECHNICAL,
DG OFFICE COMPOUND
NRUPATUNGA ROAD,
BENGALURU-560001.
4. THE SUPERINTENDENT OF POLICE,
FINGER PRINT BUREAU,

FSL COMPOUND, MADIVALA,
BENGALURU-560 068.

5. SRI. M. MANJU,
AGED ABOUT 46 YEARS
WORKING AS HEAD CONSTABLE (FPB),
FINGER PRINT BUREAU POLICE UNIT,
DISTRICT POLICE OFFICE,
MANDYA - 571401.
6. SRI. MALLIKARJUNAYYA PANCHAKSHARAIHAH
AMBAYYANAMATHA,
AGED ABOUT 47 YEARS
WORKING AS HEAD CONSTABLE (FPB),
FINGER PRINT BUREAU POLICE UNIT.
DISTRICT POLICE OFFICE,
VIJAYANAGARA DISTRICT,
HOSPETE- 583201.
7. SRI. MANTESH KALLAPPA BANAKAR.
AGED ABOUT 46 YEARS
WORKING AS HEAD CONSTABLE (FPB),
FINGER PRINT BUREAU POLICE UNIT,
OFFICE OF COMMISSIONER OF POLICE
BENGALURU CITY, INFANTRY ROAD,
BENGALURU-560001.
8. SRI. MALAGOUDA PHADIGOUDA PATIL,
AGED ABOUT 36 YEARS
WORKING AS HEAD CONSTABLE (FPB),
FINGER PRINT BUREAU POLICE UNIT,
DISTRICT POLICE OFFICE,
BELAGAVI DISTRICT, BELAGAVI-590001.
9. SMT. PADMAVATHI S NANDIKOORA,
AGED ABOUT 45 YEARS
WORKING AS POLICE SUB INSPECTOR (FPB)
FINGER PRINT BUREAU POLICE UNIT,
DISTRICT POLICE OFFICE,
KALABURGI DISTRICT,
KALABURGI-585301.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R4
V/O/D 12.12.2025 NOTICE TO R5 TO R9 IS D/W)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO I) ISSUE WRIT OF
CERTIORARI TO QUASH THE ORDER PASSED BY THE KARNATAKA

STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU DATED 09/06/2025 PASSED IN APPLICATION NOS. 4820-4824/2024 VIDE ANNEXURE-A AS ERRONEOUS AND CONTRARY TO LAW, AND ALLOW THE APPLICATION NOS. 4820-4824/2024 THEREIN; II) CONSEQUENTLY ISSUE WRIT OF CERTIORARI TO QUASH THE IMPUGNED ENDORSEMENT BEARING NO.08/SIBBANDI/BE.MU.SAM/2023-24 DATED 02/08/2024, ISSUED BY 4TH RESPONDENT VIDE ANNEXURE-A16 AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **09.02.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

CAV ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Petitioners, working as Head Constables in the Finger Print Bureau (for short, 'FPB') of the second respondent department are before this Court questioning the correctness and legality of order dated 09.06.2025 in Application Nos.4820 to 4824/2024 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal'), rejecting the prayer of the petitioners to quash endorsement dated 02.08.2024 (Annexure-A16), rejecting the prayer of the petitioners to count their earlier services from the date of appointment

till they are transferred and absorbed in FPB and further rejecting their prayer for a direction to the respondents to count the services rendered by the petitioners in the previous units prior to their permanent transfer to FPB unit for the purpose of seniority and for issuance of revised promotion order.

2. In the present writ petition, I.A.No.1/2026 is filed under Order 6 Rule 17 of CPC read with Article 226 of the Constitution of India seeking amendment of prayer to include additional facts, grounds and additional prayer as to hold that the Karnataka State Police including the Ministerial Services (Recruitment) (Amendment) Rules, 2009 (for short, '2009 Rules') published under the notification dated 28.05.2009 (Annexure-E) insofar as it relates to entry in Column Nos.(5) and (6) of Sl.No.52 (Police Constable, FPB) as unconstitutional, ultravires and void being in violation of Rule 6 of the Karnataka Government Servants' (Seniority) Rules, 1957 (for short, '1957 Rules').

3. Brief facts of the case are that, the petitioners were initially appointed as Police Constables in the year 2002 and 2001 in the District Armed Reserved Force (DAR) and Karnataka State Reserved Police Force (KSRP). While they were working as Police Constables, it is stated that the third respondent called options from the Police Constables working in various units of the DAR as well as KSRP under circular dated 14.01.2015 (Annexure-A7) to fill up 36 vacant posts of Constables at FPB of the third respondent. In pursuance to the said circular, the petitioners submitted their irrevocable options for transfer to FPB unit. On consideration of the irrevocable option, by order dated 27.11.2015 (Annexure-A11), the petitioners were transferred permanently as Police Constables to the FPB unit under Rule 16A of the Karnataka Civil Services (General Recruitment) Rules, 1977 (For short, '1977 Rules') and in terms of 2009 Rules. The petitioners, on their permanent transfer joined duty at FPB unit. Subsequently, they were placed in independent charge of the post of Head

Constables under Rule 32 of the KCSRs. Thereafter, the petitioners submitted individual representations. The first petitioner submitted representation dated 20.06.2024, requesting to count the past service of the petitioners from the date of their appointment as Police Constables to the date of their permanent transfer to the FPB unit for the purpose of seniority in the FPB unit. Their request to count the past service is rejected under impugned endorsement dated 02.08.2024 (Annexure-A16).

4. Questioning the said endorsement, the petitioners were before the Tribunal in the above stated application and under impugned order dated 09.06.2025 (Annexure-A), prayer of the petitioners is dismissed holding that the petitioners on their own request have been transferred to the FPB unit and relevant Cadre and Recruitment Rules i.e., 2009 Rules would not permit counting of past service. Questioning the impugned endorsement and impugned order passed by the Tribunal, the petitioners are before this Court.

5. When the matter was taken up for final disposal, learned counsel for the petitioners took time and filed I.A.No.1/2026 for amendment to include challenge to 2009 Rules insofar as it relates to permanent transfer of Police Constables to FPB unit at Sl.No.52.

6. Heard learned counsel Sri.T.Narayanaswamy for Sri.P.Rudrappa, learned counsel for petitioners and learned Additional Government Advocate Sri.Vikas Rojipura for respondent Nos.1 to 4. Perused the entire writ petition papers.

7. Learned counsel Sri.T.Narayanaswamy for petitioners would submit that the petitioners were initially recruited and appointed as Police Constables in the year 2002 and 2001 to the DAR as well as KSRP. When the options were called for permanent transfer of Police Constables working in various units of the Police Department to the FPB units, the petitioners were under the impression that when the options are called by the department, it would be under the public interest and their

services would be transferred to FPB unit and hence, they submitted their option for permanent transfer to the FPB unit. Further, learned counsel would contend that the petitioners were not aware of the Rule under which permanent transfer would take place and he vehemently contends that 2009 Rules was not made available in public domain. As such, petitioners were not aware of the Rules which would not permit earlier service to be counted when their services would be transferred permanently to the FPB unit.

8. Further, learned counsel Sri.T.Narayanaswamy would submit that the persons who were permanently transferred previously to FPB unit were given benefit of counting their past service and only in the case of petitioners, past service is not being counted, which is discriminatory. Learned counsel would submit that when the options are called and Police Constables working in various units are transferred permanently to FPB unit, it would be in the public interest and under such

circumstances, when the transfer is in public interest, such transferee would be entitled for counting his past service.

9. Learned counsel referring to Rule 6 of 1957 Rules would submit that non-counting of past service of the petitioners is contrary to Rule 6 of 1957 Rules which permits counting of past service, if it is in public interest. Learned counsel would also submit that 2009 Rules was neither in the public domain nor was it produced by the State before the Tribunal. As such, petitioners were not in a position to challenge the same. Further, it is submitted that obtaining such undertaking to forego the past service would amount to an unconscionable contract and the petitioners were forced to sign the undertaking to forego past service while effecting permanent transfer to FPB unit.

10. On the other hand, learned Additional Government Advocate Sri.Vikas Rojipura would invite attention of this Court to the order of the permanent transfer of the petitioners dated 27.11.2015

(Annexure-A11) and submits that one of the condition of transfer was that their seniority would be fixed in the transferred FPB unit below the serving Police Constables in the FPB unit. Having accepted the said condition, subsequently the petitioners cannot turn around and contend that they were not aware of such condition. Further, learned Additional Government Advocate would submit that having failed to challenge the Rules before the Tribunal, they cannot be permitted to challenge the Rules before this Court in this writ petition, that too, after more than ten years of their permanent transfer to the FPB unit. Learned Additional Government Advocate would place reliance on the judgment of the Hon'ble Apex Court in the case of **INDU SHEKHAR SINGH AND OTHERS VS. STATE OF U.P., AND OTHERS¹** to contend that once having obtained entry into the FPB unit on the basis of the above option/election, they cannot be allowed to turn around and contend that the conditions are illegal. Thus, he would pray for dismissing the writ petition.

¹ (2006) 8 SCC 129

11. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the following points would arise for consideration:

- i) In the facts and circumstances of the case, whether the petitioners would be entitled for counting their past service on their permanent transfer to the FPB unit?*
- ii) Whether the petitioners have made out any grounds to interfere with the impugned order passed by the Tribunal?*

12. Answer to the above would be in the negative for the following reasons:

The petitioners were initially recruited and appointed as Police Constables in the DAR and KSRP in the year 2002 and one of the petitioner in the year 2001. While the petitioners were working as Police Constables, by Circular dated 14.01.2015 of the fourth respondent, options were invited from the Police Constables working in various units for transfer to the FPB unit on permanent transfer basis of those who possess PUC or equivalent qualification after obtaining an irrevocable option for such transfer. The

method of filling up of post of Police Constables in the FPB unit is by transfer of a Civil or Armed Police Constables of any wing of the Police who have passed PUC or possesses equivalent qualification after obtaining an irrevocable option for such transfer. The Cadre and Recruitment Rules makes it clear that seniority of such Police Constables on transfer shall be fixed below the Police Constables who are in the cadre in the FPB unit. It also states that, if there are no suitable persons available for transfer, then by direct recruitment. Relevant Cadre and Recruitment Rules reads as follows:

"(g) in the entries relating to the category of posts of Police Constable (FPB) at serial number 52, for the entries in columns No (5) and (6), the following shall be substituted, namely:-

By transfer of Civil or Armed Police Constables of any wing of the Police who have passed PUC or possesses equivalent qualification after obtaining an irrevocable option for such transfer.

Seniority of such police constables on transfer shall be fixed below the police constable who is in the cadre in the FPB Unit.

If there are no suitable persons available for transfer, by direct recruitment as follows:-

Ninety percent by direct recruitment of male candidates and Ten percent by direct recruitment of female candidates.”

The above Cadre and Recruitment Rules is clear with regard to seniority of Police Constables on permanent transfer to FPB Unit. A Police Constable on permanent transfer either from DAR, KSRP or any other unit of police to FPB unit would lose his earlier service and would be placed below the Police Constable working already in FPB unit.

13. The petitioners were aware of the Rules and with their eyes open, they submitted their option and on transfer, they reported at FPB unit. Even in their option form, each one of the Constables have submitted their irrevocable option by undertaking to forego the seniority and agreeing to be placed below the Constables who are already in FPB unit on the date of appointment by transfer.

The relevant Option Form of the fourth petitioner reads as follows:

"ANNEXURE-A

<i>Sl. No.</i>	<i>Name of the post (FPB)</i>	<i>2004 Rules</i>
<i>1</i>	<i>Police Constable (FPB)</i>	<i>By permanent absorption of Police Constable who have completed PUC or equivalent qualification, after obtaining their willingness and ascertaining their suitability. If there are no suitable persons available for transfer then by direct recruitment.</i>

ANNEXURE-B

<i>Sl. No.</i>	<i>Name of the post (FPB)</i>	<i>2009 Rules</i>
<i>1</i>	<i>Police Constable (FPB)</i>	<i>By transfer of Civil or Armed Police Constable of any wing of the Police who have passed PUC or possesses equivalent qualification after obtaining an irrevocable option for such transfer.</i> <i>Seniority of such Police Constable on transfer shall be fixed below the Police Constable who is in the cadre in the FPB unit. If there are no suitable persons available for transfer by direct recruitment as follows:-</i> <i>Ninety percent by direct recruitment of male candidates and ten percent by direct recruitment of female candidates.</i>

**ANNEXURE-C
OPTION**

- 1. I hereby express irrevocable option for being appointed as PC, FPB by transfer.*
- 2. On being appointed by such transfer I am prepared for fixing my seniority before the*

Constable who is in the cadre of FPB unit on the date of appointment by transfer.

ತಮ್ಮ ಬಿಶ್ವಾಸಿ,

(ಎಮ್.ಎಸ್.ಬೇಟಂಜಿ)

ಪಿ.ಸಿ-250,

ಬೆರಳು ಮುದ್ರೆ ಘಟಕ, ಧಾರವಾಡ."

The petitioners have agreed to be placed below the Constables working in FPB unit on the date of appointment by transfer. Furthermore, the order dated 27.11.2015 by which, the petitioners were transferred permanently under Rule 16A of 1977 Rules to the FPB unit was with a condition that in the seniority list of Police Constables, petitioners' seniority would be fixed below the Police Constables already working in the FPB unit.

14. The condition incorporated in the order of permanent transfer dated 27.11.2015 reads as follows:

"ಮೇಲ್ಕಂಡಂತೆ ಕ್ರಮ ಸಂ: 01 ಲಿಂದ 20 ರವರೆಗಿನ ಪೊಲೀಸ್ ಕಾನ್ಸ್ಟೇಬಲ್‌ರವರುಗಳ ಸೇವಾ ಜೇಷ್ಠತೆಯನ್ನು ಕ್ರಮವಾಗಿ ಅವರು ತಮ್ಮ ಹಿಂದಿನ ಆಯಾ ಘಟಕಗಳಲ್ಲಿ ನೇಮಕಗೊಂಡ ದಿನಾಂಕಗಳ ಜೇಷ್ಠತೆಯನ್ನು ಅಧರಿಸಿ ನಿರ್ಧರಿಸುವುದು ಮತ್ತು ಇವರುಗಳ ಸೇವಾ ಜೇಷ್ಠತೆಯನ್ನು ವರ್ಗಾವಣೆಗೊಂಡ ಬೆರಳು ಮುದ್ರೆ ಘಟಕಗಳಲ್ಲಿ ಈಗಾಗಲೇ

*ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಪೊಲೀಸ್ ಕಾನ್ಸ್ ಟೇಬಲ್ ರವರುಗಳ
ಜೀಷ್ಠತೆಯ ಕೆಳಗೆ ಪರಿಗಣಿಸಲು ಸೂಚಿಸಿದೆ."*

Therefore, it is not open for the petitioners to contend that they were not aware of the said position of placing them below the Police Constables already working in FPB Unit on their permanent transfer to FPB Unit. The Cadre and Recruitment Rules and condition incorporated in the order of permanent transfer dated 27.11.2015 also make it clear with regard to their seniority i.e., to place the petitioners below the Constables already working in FPB unit.

15. In the above circumstances, the petitioners' contention that they were not aware of the Cadre and Recruitment Rules or to forego their service rendered as Police Constables prior to their permanent transfer cannot be believed or accepted.

16. The decision in **INDU SHEKHAR SINGH** (supra) makes it clear that when one exercises his option or election for transfer, it is for him to accept or not to accept. Having accepted with a condition that they would

forego seniority and being agreeable to be placed below the Police Constables already working in FPB unit, it is not open for the petitioners to turn around and question the same after more than ten years. Relevant paragraphs 25 and 26 of the said decision reads as follows:

"25. The State was making an offer to the respondents not in terms of any specific power under the Rules, but in exercise of its residuary power (assuming that the same was available). The State, therefore, was within its right to impose conditions. The respondents exercised their right of election. They could have accepted the said offer or rejected the same. While making the said offer, the State categorically stated that for the purpose of fixation of seniority, they would not be obtaining the benefits of services rendered in the U.P. Jal Nigam and would be placed below in the cadre till the date of absorption. The submission of Mr Verma that the period for which they were with the Authority by way of deputation, should have been considered towards seniority cannot be accepted simply for the reason that till they were absorbed, they continued to be in the employment of the Jal Nigam. Furthermore, the said condition imposed is backed by another condition that the deputed employee who is seeking for absorption shall be placed below the officers appointed in the cadre till

the date of absorption. Respondents 2 to 4 accepted the said offer without any demur on 3-9-1987, 28-11-1991 and 6-4-1987 respectively.

26. *They, therefore, exercised their right of option. Once they obtained entry on the basis of election, they cannot be allowed to turn round and contend that the conditions are illegal. (See R.N. Gosain v. Yashpal Dhir [(1992) 4 SCC 683] , Ramankutty Guptan v. Avara [(1994) 2 SCC 642] and Bank of India v. O.P. Swarnakar [(2003) 2 SCC 721 : 2003 SCC (L&S) 200] .) Furthermore, there is no fundamental right in regard to the counting of the services rendered in an autonomous body. The past services can be taken into consideration only when the Rules permit the same or where a special situation exists, which would entitle the employee to obtain such benefit of past service."*

17. The petitioners have filed I.A.No.1/2026 for amendment to challenge relevant portion of the Rule. Admittedly, the said Rule is not challenged before the Tribunal, which is the Court of first instance. Having not challenged the Rule before the Tribunal and having suffered an order before the Tribunal, that too, after more than ten years from the date of permanent transfer to FPB

Unit, it is not open for the petitioners to challenge the Rule under which they were permanently transferred to FPB unit. Therefore, I.A.No.1/2026 stands rejected.

18. For the reasons recorded above, we do not find any infirmities in the order passed by the Tribunal and on the other hand, when the petitioners have consented or opted to forego earlier seniority, Rule 6 of 1957 Rules would have no application. There is no merit in the writ petition and accordingly stands ***dismissed***.

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

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

NC
CT:bms