

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY 2026

BEFORE

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

WRIT PETITION NO. 39094 OF 2025(S-RES)

C/W

WRIT PETITION NO. 573 OF 2026(S-RES)

WRIT PETITION NO. 953 OF 2026(S-RES)

WRIT PETITION NO. 2143 OF 2026(S-RES)

WRIT PETITION NO. 2328 OF 2026(S-RES)

IN WP NO: 39094/2025

BETWEEN:

1. SRI SYED BURHAN AHAMED
S/O SYED NISAR AHAMED
AGED ABOUT 30 YEARS
R/AT PLOT NO.1 & 2, WARD NO.16
1ST CROSS, NEAR SAI BABA TEMPLE
VISHAL NAGAR, BALLARI-583101.
2. SRI KEERTHI KISHORE A
S/O SHANKARAIHAH
AGED ABOUT 28 YEARS
R/AT SRI VENKATESHWARA NILAYA
TAHSILDAR COMPOUND
OPP NCC GROUP HEADQUARTERS
BALLARI CANTONMENT
BALLARI-583103.
3. MS RASHMI BALGAR
D/O VEERANNA
AGED ABOUT 40 YEARS
RESIDING AT QUARTERS N C85
OFFICERS COLONY, HUTTI, LINGASUGUR
RAICHUR DISTRICT-584115.

4. MS. HABEEBA
D/O LAL AHMED
AGED ABOUT 40 YEARS
R/AT 1212, RAGHAVENDRA COLONY
DEVASUGURU, SHAKTINAGAR
RAICHUR DISTRICT-584 170.

...PETITIONERS

(BY SRI. PRITHVEESH M K., ADVOCATE)

AND:

1. M/S KARNATAKA POWER CORPORATION LIMITED
A GOVT. OF KARNATAKA UNDERTAKING
REP. BY ITS MANAGING DIRECTOR
NO.82, SHAKTHI BHAVAN, CORPORATE OFFICE
RACE COURSE ROAD, BENGALURU-560 001.
2. THE KARNATAKA EXAMINATIONS AUTHORITY
REP. BY ITS EXECUTIVE DIRECTOR
18TH CROSS, SAMPIGE ROAD
MALLESHWARAM, BENGALURU-560 012.

...RESPONDENTS

(BY SRI. K SHASHIKIRAN SHETTY, ADVOCATE GENERAL FOR
SRI. AJAY J NANDALIKE, ADVOCATE FOR R1;
SRI. N K RAMESH, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND ISSUE A WRIT OR ORDER QUASHING THE IMPUGNED PUBLICATION/NOTICE DATED: 19/11/2025 BEARING NO.ED/KEA/NEMAKAATI/CR-5123/2023 ISSUED BY THE 2ND RESPONDENT (ANNEXURE-A) AND ALL FURTHER CONSEQUENTIAL PROCEEDINGS/ACTION TAKEN THEREON, TO MEET THE ENDS OF JUSTICE.

IN WP NO: 573/2026

BETWEEN:

1. MALLIKARJUN M
S/O NIMBAYYA M
AGED ABOUT 31 YEARS

R/AT BEHIND POST OFFICE
SIRWARA, SIRWARA TALUK
RAICHUR DISTRICT-584129.

2. HARSHA N
S/O NAPARAJAIAH T
AGED ABOUT 35 YEARS
R/AT NO.29, 3RD MAIN
GKVK LAYOUT, GKVK POST
YELAHANKA, BENGALURU-560 064.
3. MANJUNATH JAVALI
S/O VEERABHADRAPPA
AGED ABOUT 39 YEARS
R/AT NO.68B JANAPRIYA ABODES
8TH CROSS, KENCHENAHALLI
RAJARAJESHWARI NAGARA
BENGALURU SOUTH
BENGALURU-560098.
4. UMESH YADAV R N
S/O R V NARASIMHAMURTHY
AGED ABOUT 35 YEARS
MANGALAVADA POST
TUMAKURU-572116.
5. ANUP PRABHAKAR
S/O T PRABHAKAR
AGED ABOUT 38 YEARS
R/AT NO.194, 6TH A MAIN
15TH CROSS, A-SECTOR
I PHASE, NEAR VINAYAKA PARK
YELAHANKA NEW TOWN
BENGALURU-560064.
6. MALLIKARJUN B S
S/O BHIMARAYA
AGED ABOUT 38 YEARS
R/AT NO.410, PRESIDENT LEON APARTMENT
DUO MARVEL LAYOUT
YELAHANKA NEW TOWN
BENGALURU-560064.

... PETITIONERS

(BY SRI. S V PRAKASH, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA
DR B R AMBEDKAR VEEDHI
BENGALURU-560 001.
 2. KARNATAKA STATE POWER CORPORATION LIMITED
REP. BY ITS MANAGING DIRECTOR
NO.82, SHAKTHI BHAVAN
RACE COURSE ROAD, BENGALURU-560001.
 3. KARNATAKA EXAMINATIONS AUTHORITY(KEA)
18TH CROSS, SAMPIGE ROAD
MALLESHWARAM, BENGALURU-560 012.
- ... RESPONDENTS

(BY SMT. ANITHA N, AGA FOR R1;
SRI.K SHASHIKIRAN SHETTY, ADVOCATE GENERAL FOR
SRI. AJAY J NANDALIKE, ADVOCATE FOR R2;
SRI N K RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN APPROPRIATE WRIT OR ORDER OR DIRECTION DECLARING THAT THE TEST/ EXAMINATION CONDUCTED ON 27.12.2025 AND 28.12.2025 BY THE THIRD RESPONDENT PURSUANT TO THE NOTIFICATION DATED: 19.11.2025 IN NO.ED/KEA /NEMAKATHI/CR-5123/2023 WHICH IS AT ANNEXURE-H TO THE WRIT PETITION ARE IN VIOLATION OF THE DIRECTION ISSUED BY THE HON'BLE APEX COURT AND THEREFORE SAME ARE NULL AND VOID SO FAR AS PETITIONERS ARE CONCERNED AND ETC.

IN WP NO: 953/2026
BETWEEN:

SRI YASHWANTH KUMAR N
S/O NANJUNDA REDDY

AGE:31 YEARS, OCC: STUDENT
R/O #1, BIDARAGUPPE VILLAGE
NEAR GOVERNMENT SCHOOL
ATTIBELE HOBLI, ANEKAL TALUK
BENGALURU URBAN DISTRICT-562107.

... PETITIONER

(BY SRI. SANTHOSH S NAGARALE, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF ENERGY
VIKAS SOUDHA, BENGALURU-560 001.
2. KARNATAKA POWER CORPORATION LIMITED (KPCL)
REP. BY ITS MANAGING DIRECTOR
SHAKTI BHAVAN, NO.82
RACE COURSE ROAD, BENGALURU-560001.
3. KARNATAKA EXAMINATIONS AUTHORITY (KEA)
REP. BY ITS EXECUTIVE DIRECTOR
18TH CROSS, SAMPIGE ROAD
MALLESHWARAM, BENGALURU-560 012.

... RESPONDENTS

(BY SMT. ANITHA N, AGA, FOR R1;
SRI. K SHASHIKIRAN SHETTY, ADVOCATE GENERAL FOR
SRI. AJAY J NANDALIKE, ADVOCATE FOR R2;
SRI N K RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTIFICATION BEARING NO. ED/KEA/RECRUITMENT/CR-5123/2023 DATED: 19.11.2025 ISSUED BY RESPONDENT NO.3 (ANNEXURE-F) INsofar AS IT SCHEDULES A RE-EXAMINATION FOR THE COMPULSORY KANNADA LANGUAGE TEST AND PRESCRIBES AN OBJECTIVE (MCQ) MODE, AS BEING WITHOUT JURISDICTION, ARBITRARY, AND VIOLATIVE OF ARTICLES 14 AND 16 OF THE CONSTITUTION OF INDIA AND ETC.

IN WP NO: 2143/2026
BETWEEN:

1. SRI SHANKARA NAIK V P N
S/O NAGENDRA NAIK V P
AGED ABOUT 33 YEARS
R/AT CHIKKAJOGIHALLI TANDA
BELLARY DISTRICT-583 126.
 2. SRI KRISHNA GANESH B
S/O B SUDHAKAR
AGED ABOUT 35 YEARS
R/AT VILLA NO.29, ABHIPRAKRUTHI VILLAS
CHANDAPURA, ANEKAL ROAD
IGGLURU TOWN, BENGALURU-560 099.
 3. SRI NAGARAJ JAVARAIAH
S/O JAVARAIAH P
AGED ABOUT 40 YEARS
R/AT NO.28, 7TH CROSS
BALAJI LAYOUT, MALLATHAHALLI
BENGALURU-560 056.
 4. SRI MANU E O
S/O ESHWARAPPA S
AGED ABOUT 36 YEARS
R/AT KANCHIPURA POST
HOSADURGA TALUK
CHITRADURGA DISTRICT-577 533.
 5. KUM. SANJANA M
D/O MALLAYYA
AGED ABOUT 31 YEARS
R/AT # 180/41, LAKSHMIPURA LAYOUT
BOLAMAN DHOTI ROAD
RAICHUR DISTRICT-584 103.
- ...PETITIONERS
- (BY SRI. PRITHVEESH M K., ADVOCATE)

AND:

1. M/S KARNATAKA POWER CORPORATION LIMITED

A GOVT. OF KARNATAKA UNDERTAKING
 REP. BY ITS MANAGING DIRECTOR
 NO.82, SHAKTHI BHAVAN, CORPORATE OFFICE
 RACE COURSE ROAD, BENGALURU-560 001.

2. THE KARNATAKA EXAMINATIONS AUTHORITY
 REP. BY ITS EXECUTIVE DIRECTOR
 18TH CROSS, SAMPIGE ROAD
 MALLESHWARAM, BENGALURU-560 012.

...RESPONDENTS

(BY SRI. K SHASHIKIRAN SHETTY, ADVOCATE GENERAL FOR
 SRI. AJAY J NANDALIKE, ADVOCATE FOR R1;
 SRI. N K RAMESH, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
 THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
 FROM THE RESPONDENTS AND ISSUE A WRIT OR ORDER
 QUASHING THE IMPUGNED PUBLICATION/NOTICE DATED:
 19/11/2025 BEARING NO.ED/KEA/NEMAKAATI/CR-5123/2023
 ISSUED BY THE 2ND RESPONDENT (ANNEXURE-A) AND ALL
 FURTHER CONSEQUENTIAL /ACTION TAKEN THEREON, TO MEET
 THE ENDS OF JUSTICE AND ETC.

IN WP NO: 2328/2026
BETWEEN:

1. SMT. MAHALAXMI JUMANALAMATH
 W/O VEERESH BADNIMATH
 AGED ABOUT 36 YEARS
 R/AT # 22, 2ND FLOOR
 PRANYATEJA ENGINEERS PVT. LTD.,
 1ST MAIN ROAD, SHREEKANTAN LAYOUT
 BENGALURU-560 001.
2. SRI SHIVAPRASAD JUMANALAMATH
 S/O GURAYYA C JUMANALAMATH
 AGED ABOUT 37 YEARS
 R/AT PLOT NO.11, 4TH CROSS
 KALYAN NAGAR, VIDYANAGAR
 HUBLI-580031.

3. SMT. HAMSA K
W/O PRAKASH D
AGED ABOUT 33 YEARS
R/AT AT NO.34, 1ST MAIN
5TH BLOCK, DEVASANDRA MAIN ROAD
AYYAPPA NAGARA, K R PURAM
BENGALURU-560 036.
4. SMT. RASHMI
W/O JAYAKUMAR
AGED ABOUT 36 YEARS
R/AT HOUSE NO.36, LEELA NILAYAM
HALADLLI TOWN
MYSURU-570026.
5. SMT. RESHMA
D/O ABDUL SAHEB NADAF
AGED ABOUT 36 YEARS
R/AT NEAR KAKATIYA SCHOOL
DEVARAJ ARAS COLONY
RAICHUR-584101.
6. SMT. ANITA
C/O RANAPPA
AGED ABOUT 32 YEARS
R/AT HOUSE NO.97
SHAHABAD ROAD, RAJAPUR COLONY
KALABURAGI-585105.
7. SRI PARTHASARATHI A KULKARNI
S/O ANILRAO
AGED ABOUT 36 YEARS
R/AT NO.70/A SCHEME NO.33
OM BULIDNG, SHANTINAGAR, TILAKWADI
BELGAUM-590006.
8. SRI VISHWANATH
C/O SOMASINGA
AGED ABOUT 33 YEARS
R/AT NO.T-7-479, RTPS COLONY
DEOSUGUR, SHAKTINAGAR
RAICHUR-584170.

9. SMT. SAVITA BANAKAR
W/O SHARANABASAVA
AGED BOUT 37 YEARS
R/AT NO.12/1, 18TH MAIN
II CROSS, SUBRAMANYA NAGAR
BENGALURU-560021.
10. SMT. BHAVYA V
W/O RAGHAVENDRA H V
AGED ABOUT 41 YEARS
R/AT NO.301, 1ST FLOOR
VIJAYALAKSHMI PARADISE
13TH CROSS, 2ND MAIN, DASARAHALLI
KEMPAPURA, HEBBAL
BENGALURU-560 024.

...PETITIONERS

(BY SRI. PRITHVEESH M K., ADVOCATE)

AND:

1. M/S KARNATAKA POWER CORPORATION LIMITED
A GOVT. OF KARNATAKA UNDERTAKING
REP. BY ITS MANAGING DIRECTOR
NO.82, SHAKTHI BHAVAN, CORPORATE OFFICE
RACE COURSE ROAD, BENGALURU-560 001.
2. THE KARNATAKA EXAMINATIONS AUTHORITY
REP. BY ITS EXECUTIVE DIRECTOR
18TH CROSS, SAMPIGE ROAD
MALLESHWARAM, BENGALURU-560 012.

...RESPONDENTS

(BY SRI. K SHASHIKIRAN SHETTY, ADVOCATE GENERAL FOR
SRI. AJAY J NANDALIKE, ADVOCATE FOR R1;
SRI. N K RAMESH, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
FROM THE RESPONDENTS AND ISSUE A WRIT OR ORDER
QUASHING THE IMPUGNED PUBLICATION/NOTICE DATED:
19/11/2025 BEARING NO.ED/KEA/NEMAKAATI/CR-5123/2023
ISSUED BY THE 2ND RESPONDENT (ANNEXURE-A) AND ALL

FURTHER CONSEQUENTIAL PROCEEDINGS /ACTION TAKEN THEREON, TO MEET THE ENDS OF JUSTICE AND ETC.

THESE WRIT PETITIONS, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.02.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE COURT MADE THE FOLLOWING ORDER:

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

CAV ORDER

These writ petitions are filed under Articles 226 & 227 of the Constitution of India, seeking the following reliefs:

"In W.P.Nos.39094/2025, 2143/2026 & 2328/2026:

a. CALL for records from the Respondents;

b. ISSUE A WRIT OR ORDER QUASHING the impugned publication / notice dated 19/11/2025 bearing No.ED/KEA/Nemakaati/ CR-5123/2023 issued by the 2nd Respondent [Annexure - A] and all further consequential proceedings / action taken thereon, to meet the ends of justice;

c. PASS any other Order, as this Hon'ble Court deems fit, in the interest of justice and equity.

In W.P.No. 573/2026:

(i) *ISSUE an appropriate writ or order or direction declaring that the test/examination conducted on 27.12.2025 and 28.12.2025 by the third respondent pursuant to the notification dated 19.11.2025 in No.ED/KEA/Nemakathi/CR-5123/2023 which is at ANNEXURE-H to the writ petition are in violation of the direction issued by the Hon'ble Apex Court and therefore same are null and void; so far as Petitioner is concerned.*

(ii) *Issue a writ in the nature of mandamus commanding the respondents to conduct fresh test as notified in the notifications dated 03.08.2017 in Nos. A1P1C(C1)/NHK and A1P1C(C1)/HK and as directed by the Hon'ble Apex Court by its order dated 23.09.2025 in SLP No.21754/2025 which are at ANNEXURE-A and A1 to the writ petition; so far as Petitioner is concerned.*

(iii) *Issue any other appropriate writ or order or direction as this Hon'ble Court deems it proper in the facts and circumstances of the case in the interest of justice; and.*

In W.P.No. 953/2026:

A. ISSUE A WRIT OF CERTIORARI Quashing the impugned Notification bearing No.ED/KEA/Recruitment/CR-5123/2023 dated 19.11.2025 issued by Respondent No.3 (ANNEXURE F), insofar as it schedules a re-examination for the Compulsory Kannada Language Test and prescribes an Objective (MCQ) Mode, as being without jurisdiction, arbitrary, and violative of Articles 14 and 16 of the Constitution of India.

B. ISSUE A WRIT OF CERTIORARI Quashing the impugned Score List dated Nil (ANNEXURE-F2) published by Respondent No.3, which pertains to the illegal Kannada Language Examination held on 28.12.2025.

C. ISSUE A WRIT OF CERTIORARI Quashing the impugned Circular bearing No. A1P1C (C1) dated 24.12.2025 issued by Respondent No. 2 (ANNEXURE-G2), and the Government Circular bearing No. CiAaSuE/77/HKC/2025 dated 03.06.2025 (ANNEXURE-G1), in so far as they arbitrarily attempt to apply a new reservation policy retrospectively to the 2017 recruitment, thereby altering the Seat Allocation method for Hyderabad-Karnataka (HK) and Non-HK candidates.

D. ISSUE A WRIT OF MANDAMUS Directing the Respondents to restore and uphold the validity of the Score List dated 05.03.2025 bearing No.ED/KEA/KPCL/2024 (Annexure-E1), pertaining to the valid Kannada Language Examination conducted on 04.02.2025 in Descriptive Mode.

E. ISSUE A WRIT OF MANDAMUS Directing the Respondents to prepare the Final Selection List strictly in accordance with the methodology followed in the Final Selection List dated 19.03.2025 (Annexure-E2), specifically by considering Hyderabad-Karnataka (HK) candidates for Non-HK seats only if they had explicitly applied for and paid the fee for the Non-HK application and submitted specific willingness for the same, as per the rules existing at the time of the 2017 Notification.

F. PASS SUCH OTHER ORDERS As this Hon'ble Court deems fit in the facts and circumstances of the case, including the award of costs, in the interest of justice and equity."

2. The brief facts of the case in W.P.Nos.39094/2025, 2143/2026 and 2328/2026 are that the respondent — Karnataka Power Corporation Limited (for short, 'KPCL') issued a notification dated 03.08.2017, inviting applications for recruitment to the posts of Assistant Engineer (Electrical), Junior Engineer (Electrical), Assistant Engineer (Mechanical), Junior Engineer (Mechanical), Assistant Engineer (Civil), and Junior Engineer (Civil). The petitioners submitted applications for the posts of Assistant Engineer, Junior Engineer, and Chemical Supervisor and appeared for the written test conducted by respondent – KPCL on 21.01.2018.

3. Respondent – KPCL, by order dated 23.06.2018, cancelled the written test held on

21.01.2018. Subsequently, a notification dated 16.07.2018 was issued by respondent - KPCL for the conduct of a fresh written test through the Karnataka Examination Authority (for short, 'KEA'). The cancellation of the earlier test was challenged by certain candidates in W.P.Nos.34850-34874/2018. The said writ petitions were dismissed by order dated 01.02.2019, upholding the cancellation. Being aggrieved by the said order, writ appeals were filed in W.A.Nos.802-821/2019 and connected matter, which were also dismissed by order dated 14.10.2019.

4. The re-test was conducted by respondent - KEA on 18.02.2024, in which the petitioners participated. Respondent - KEA issued a notification dated 08.05.2024 along with the provisional score list, informing the candidates that one-third marks would be deducted for every wrong answer. Some of the candidates filed a writ petition in W.P.No.14233/2024,

challenging the provisional score list dated 08.05.2024. The said writ petition was dismissed holding that the negative marking was a part of the earlier examination and also that the re-test held on 18.02.2024 was to be conducted on similar terms, including the application of negative marking. On the same day, respondent – KEA issued the final score list.

5. The final score list was also challenged by some of the candidates by filing W.P.No.16517/2024. The said writ petition was dismissed in the light of the order passed in W.P.No. 14233/2024. Being aggrieved by the orders passed in W.P.No. 16517/2024 and W.P.No.14233/2024, some of the candidates filed writ appeals in W.A.No.1298/2024 and connected matters. By order dated 28.05.2025, the writ appeals were allowed, and the orders passed by the learned Single Judge were set aside, directing respondent Nos. 1 to 3

to conduct a re-examination for all candidates who appeared in the examination on 18.02.2024 pursuant to the notification dated 03.08.2017, after communicating the negative marking.

6. Being aggrieved by the same, some of the candidates filed Special Leave Petition (Civil) No.32255/2025 before the Apex Court. The SLP was dismissed. Pursuant to the directions issued by a Division Bench of this Court in W.A.No.1298/2024 and connected matters, dated 28.05.2025, the impugned notification was issued on 19.11.2025. The petitioners herein have challenged some of the conditions in the notification dated 19.11.2025.

7. Sri Prithveesh, learned counsel appearing for the petitioners in WP Nos.39094/2025, 2143/2026 and 2328/2026 raised the following contentions:

(i) Firstly, in the impugned notification dated 19.11.2025, there is a condition, namely Condition No. 5, which states that there is no minimum qualifying marks for the written test. Dispensing with minimum qualifying marks is illegal, as the same is contrary to Rule 3.3.3 of the Cadre and Recruitment Rules (for short, 'C & R Rules'), which mandates the prescription of minimum qualifying marks. Therefore, the notification dated 19.11.2025 has been issued in contravention of the C & R Rules.

(ii) Secondly, by not fixing minimum qualifying marks, candidates belonging to the Scheduled Castes (for short, 'SCs') and Scheduled Tribes (for short, 'STs') are adversely affected, since under the C & R Rules they are entitled to 5% relaxation compared to general category candidates. By dispensing with minimum qualifying marks, the respondents are nullifying the statutory benefit granted to SCs and STs

under the C & R Rules. The same is in violation of Articles 14, 15(4), and 16(4) of the Constitution of India.

(iii) Thirdly, the C & R Rules have statutory force. By issuing a notification or circular, the respondents cannot override the provisions of the C & R Rules. In support of this contention, reliance is placed on the judgments of the Apex Court in **MALIK MAZHAR SULTAN AND ANOTHER V. U.P. PUBLIC SERVICE COMMISSION AND OTHERS**, reported in **(2006) 9 SCC 507** (paras 21 and 24); **ASHISH KUMAR V. STATE OF UTTAR PRADESH AND OTHERS**, reported in **(2018) 3 SCC 55** (para 27); and **TEJ PRAKASH PATHAK AND OTHERS V. RAJASTHAN HIGH COURT AND OTHERS**, reported in **(2025) 2 SCC 1** (para 65.2).

(iv) Fourthly, the Government issued a Circular dated 03.06.2025 stating that, in respect of

Hyderabad-Karnataka candidates and non-Hyderabad-Karnataka candidates, two separate notifications are required to be issued for all recruitments with effect from 03.06.2025. Pursuant to the said Circular, the respondent – KPCL issued a Circular dated 24.12.2025, clarifying that all recruitments would be conducted in accordance with the Government Circular dated 03.06.2025. However, contrary to the said Government Circular, a single notification has been issued for both Hyderabad-Karnataka and non-Hyderabad-Karnataka candidates. The same is contrary to the Government Circular as well as Article 371J of the Constitution of India.

(v) Fifthly, condition No. 6 in the notification dated 19.11.2025 providing that for each wrong answer, one-third of the marks will be deducted is contrary to the C & R Rules. The Division Bench of this Court and the Apex Court directed that the

recruitment to be conducted as per the notification dated 03.08.2017. Neither the notification dated 03.08.2017 nor the C & R Rules provided for negative marking, i.e., deducting one-third of the marks for each wrong answer or requiring candidates to shade the fifth option for unanswered questions, failing which one-third of the marks would be deducted. This condition has been introduced for the first time. It was not part of the earlier notification or the C & R Rules. The action of the respondents amounts to introducing a new condition in the midst of the selection process. It amounts to changing the Rules after the game is started. Hence, he sought to allow the writ petitions.

8. In W.P.No.953/2026 the petitioner has called in question the notification dated 19.11.2025 only in respect of conducting re-examination for Kannada Language Test.

9. Sri Santhosh S.Nagarale, the learned Counsel appearing for the petitioner raised the following contentions:

(i) Firstly, a Division Bench of this Court directed the respondents to conduct a re-test for all candidates who appeared in the written test held on 18.02.2024, pursuant to the notification dated 03.08.2017. In W.A.No.1298/2024 and connected matters, the test conducted for the Kannada Language Test was not an issue. The Kannada Language Test was conducted on 04.02.2025, and the same was not set aside. Therefore, conducting a re-test for the Kannada Language Test is contrary to the directions issued by the Division Bench.

(ii) Secondly, in W.P.No.202497/2024 filed by Smt. Geetha Chavan, challenging the Kannada Language Test conducted by the respondents solely on the ground that no passing marks had been fixed,

a learned Single Judge of this Court, by order dated 12.12.2024, directed the respondents to re-conduct the Kannada Language Test in compliance with Rule 4.5 of the C & R Rules of KPCL, which prescribes a minimum of 100 marks for the test. Pursuant thereto, the respondents conducted the Kannada Language Test on 04.02.2025. Thereafter, the Division Bench disposed of W.A. No.1298/2024 and connected matters. Subsequently, the respondents issued another notification for conducting the Kannada Language Test. This is contrary to the directions issued by the Division Bench of this Court. Hence, the petitioner seeks quashing of the notification insofar as it relates to conducting a re-examination for the Kannada Language Test.

10. In W.P.No.573/2026, the petitioners have called in question the notification dated 19.11.2025 as

the same is in violation of the directions issued by the Apex Court.

11. Sri S.V. Prakash, learned counsel appearing for the petitioners, submits that all the petitioners had appeared in the examination conducted on 21.01.2018. The written examination was cancelled on 23.06.2018. Thereafter, a notification was issued, and the second examination was conducted on 18.02.2024. The petitioners in the present petition did not appear in the second examination. He contended that the Apex Court, while dismissing the SLP filed by certain candidates, directed the respondents to conduct a re-test as ordered by the High Court. All candidates who had taken the earlier test were entitled to appear for the re-test. Therefore, the respondents ought to have permitted the petitioners, who had appeared in the first test held in 2018, to appear for the written test. However, the respondents

denied the petitioners the opportunity to appear in the written test held in 2025. This is contrary to the directions issued by the Apex Court in SLP (C) No. 21754/2025. Hence, he sought allowing of the writ petition.

12. Sri Shashikiran Shetty, learned Advocate General appearing for Sri Ajay J.Nandalike for KPCL has raised the following contentions:

(i) Firstly, insofar as W.P.No.573/2026 is concerned, the petitioners appeared for the written test in the year 2018 pursuant to the notification dated 03.08.2017. The written test was conducted on 21.01.2018 pursuant to the said notification. Thereafter, the Corporation cancelled the examination. Subsequently, a fresh notification was issued on 16.07.2018. The petitioners in the present petition did not participate in the test conducted pursuant to the notification dated 16.07.2018. As per the directions of

the Division Bench of this Court in W.A.No.1298/2024 and connected matters and the directions of the Apex Court in SLP (C) No.21754/2025, the re-examination was to be conducted only for candidates who had appeared in the written test conducted on 18.02.2024 pursuant to the notification dated 16.07.2018. Since the petitioners neither applied pursuant to the notification dated 16.07.2018 nor appeared in the written test held on 18.02.2024, they have no locus standi to challenge the impugned notification.

(ii) Secondly, insofar as W.P.No.953/2026 is concerned, it is contended that the relief sought pertains only to the re-conduct of the Kannada Language Test for candidates who had not studied Kannada at the SSLC level. The petitioners did not take the Kannada Language Test. Therefore, they have no locus standi to challenge the Kannada

Language Test conducted for candidates who had not studied Kannada in SSLC.

(iii) Thirdly, the impugned notification was issued on 19.11.2025. The written test was thereafter conducted on 27.12.2025 and 28.12.2025. The results, including the marks obtained, were announced, and only thereafter, on 13.01.2026, the present writ petition was filed. On this ground also, the writ petition is liable to be dismissed.

(iv) Fourthly, in respect of the petitioners in W.P.Nos. 39094/2025, 2143/2026 and 2328/2026, they appeared in the examination and only thereafter filed the present writ petitions. The notification dated 19.11.2025 clearly contained Instruction No.5, which is now under challenge. The petitioners did not challenge the said instruction immediately after issuance of the notification. Having participated in the

examination, they are estopped from challenging the conditions stipulated in the impugned notification.

(v) Fifthly, the marks obtained in the examination were announced on 08.01.2026. The petitioners in W.P.Nos.2143/2026 and 2328/2026 were unsuccessful. It is only thereafter that they filed the present petitions. Once a candidate has participated in the selection process without protest, it is not open to an unsuccessful candidate to challenge the selection criteria subsequently. In support of this contention, reliance is placed on the judgment of the Apex Court in **TAJVIR SINGH SODHI AND OTHERS VS. STATE OF JAMMU AND KASHMIR AND OTHERS**, reported in **(2023) 17 SCC 147 (para 38)**.

(vi) Sixthly, the impugned notification does not prescribe any minimum passing marks for the written test, and it provides for conducting a single

examination for both Hyderabad-Karnataka and Non-Hyderabad-Karnataka candidates, as was prescribed in the notification dated 03.08.2017. Pursuant to the said notification, the earlier written test was conducted on 21.01.2018, in which the petitioners participated. At that time, only certain candidates challenged the aspect of negative marking. Having accepted the conditions mentioned in the earlier notification, it is not now open to the petitioners to contend that the same are contrary to the C & R Rules.

(vii) Seventhly, except for the issue relating to negative marking, all other conditions mentioned in the notification dated 03.08.2017 were affirmed by the Division Bench in W.A.No. 1298/2024 and connected matters, with a direction to conduct the written test pursuant to the said notification. In compliance with the directions of the Division Bench

as well as the Apex Court, the impugned notification dated 19.11.2025 was issued. Therefore, the petitioners cannot now challenge the instructions contained therein.

(viii) Eighthly, the respondent-KPCL is a Company established under the Companies Act. The C & R Rules were framed by the Company by passing a resolution. Therefore, the Company is competent to modify the C & R Rules by passing an appropriate resolution. Accordingly, the Company passed a resolution modifying the C & R Rules, pursuant to which the notification dated 03.08.2017 was issued for conducting a common written test for Hyderabad-Karnataka and Non-Hyderabad-Karnataka candidates. The Circular dated 03.06.2025 clarifies that separate examinations for Hyderabad-Karnataka and Non-Hyderabad-Karnataka candidates are to be conducted only from the date of issuance of the said circular.

Since the present written test was conducted pursuant to the directions of the Division Bench, in terms of the notification dated 03.08.2017, a single written test was conducted. Therefore, he seeks dismissal of the writ petitions.

13. By way of rejoinder, Sri Nagarale, learned counsel appearing for the petitioner in W.P.No.953/2026, submitted that the petitioner has the locus standi to challenge the Kannada Language Test conducted by the respondent-KPCL, since, on account of the re-examination, the petitioner has been pushed down in the merit list. In support of his contention, he has relied upon the judgments of the Apex Court in **PRATAP KISHORE PANDA AND OTHERS VS. AGNI CHARAN DAS AND OTHERS**, reported in **(2015) 17 SCC 789**; **GAURAV PRADHAN AND OTHERS VS. STATE OF RAJASTHAN AND OTHERS**, reported in **(2018) 11**

SCC 352; AND RAJ KUMAR AND OTHERS VS. SHAKTI RAJ AND OTHERS, reported in **(1997) 9 SCC 527**.

14. Sri Prithveesh, learned counsel appearing for the petitioners in W.P. Nos. 39094/2025, 2143/2026 and 2328/2026, submitted that though the C & R Rules may not have statutory force, the Rules framed by the Corporation are binding in nature and are required to be strictly followed. In support of his contention, he has relied upon the judgment of the Apex Court in **B.S. MINHAS VS. INDIAN STATISTICAL INSTITUTE AND OTHERS**, reported in **(1983) 4 SCC 582**.

15. He further contended that pursuant to the examination, a single merit list has been prepared for candidates who appeared in the examination, comprising both Hyderabad-Karnataka and Non-Hyderabad-Karnataka candidates, and a single list has

also been prepared of those eligible to appear for document verification. This, according to him, clearly demonstrates that non-fixation of minimum passing marks adversely affects the rights of SC and ST candidates. Hence, he sought allowing of the writ petitions.

16. Heard the learned counsel for the parties and perused the writ petition papers.

17. Insofar as W.P.No.573/2026 is concerned, the petitioners participated in the written test conducted by the respondent-KPCL on 21.01.2018. Subsequently, by order dated 23.06.2018, the respondent-KPCL cancelled the written test held on 21.01.2018. Thereafter, a notification dated 16.07.2018 was issued for conducting a fresh written test through the KEA. The petitioners, who had appeared in the written test conducted on 21.01.2018, did not appear for the re-test conducted by the KEA

on 18.02.2024, pursuant to the notification dated 03.08.2017. Certain candidates who had appeared in the written test held on 18.02.2024 challenged the notification before this Court and, having been unsuccessful, filed W.A.No.1298/2024 and connected matters. By order dated 28.05.2025, this Court directed the respondents to permit all candidates who had appeared for the written test on 18.02.2024, pursuant to the notification dated 03.08.2017, to take the re-test. The order passed by the Division Bench of this Court has also been confirmed by the Apex Court, which directed that the re-test be conducted in terms of the High Court's order.

18. Since the present petitioners did not appear in the examination conducted on 18.02.2024, they have no locus standi to challenge the impugned notification.

19. In view of the above, W.P.No.573/2026 is liable to be dismissed. Accordingly, it is dismissed.

20. Insofar as W.P.No.953/2026 is concerned, the petitioners have challenged the re-test conducted for the compulsory Kannada Language Test. As per the notification dated 03.08.2017, the Kannada Language Test is prescribed. Candidates who have not studied Kannada as one of the subjects in SSLC or an equivalent examination are required to pass the said test. The relevant portion is extracted below:

"8. Kannada Language Test:

"Those who have not studied Kannada as one of the subjects in SSLC or equivalent examination are required to pass a Kannada Language Test.

Candidates who pass the Kannada Language test are only eligible to be considered for selection process.

Date and venue of Kannada language test will be published separately in KPCL website."

21. From the above, it is clear that candidates who have not studied Kannada as one of the subjects in SSLC are required to take the Kannada Language Test. The petitioners have not taken the Kannada Language Test. None of the candidates who appeared for the Kannada Language Test have challenged the test conducted by the respondent–KPCL. Therefore, the petitioners have no locus standi to challenge the Kannada Language Test conducted by the KPCL by filing the present petition. In respect of the judgments relied upon by the petitioners are concerned, i.e., **PRATAP KISHORE PANDA vs. AGNI CHARAN DAS** reported in **(2015) 17 SC 789**, in that case, the petitioner had challenged the mode of recruitment of the respondents who are the reserved class, by virtue of retrospective regularization several of the respondents gain seniority over the petitioner. Since that has direct impact on them, the Apex Court has

held that they have a locus to challenge the validity of the appointment of the respondents. In the case on hand, the re-examination conducted for the Kannada Language Test, which resulted in a large number of candidates becoming eligible for the written test, did not have a direct legal impact on the petitioners' rights. Hence, the said judgment is not applicable to the facts of this case.

22. Further, the notification for conducting the Kannada Language Test was issued on 19.11.2025, and the examination was conducted on 28.12.2025. The writ petition was filed on 13.01.2026, after the results had been announced. Though the petitioner was aware of the notification at the time of its issuance, he has challenged the same at a belated stage. On this ground also, the writ petition deserves to be dismissed. Accordingly, W.P. No. 953/2026 is dismissed.

23. In respect of W.P.Nos.39094/2025, 2143/2026 and 23282026, the first respondent – KPCL issued a notification dated 03.08.2017, inviting applications for recruitment to various posts. The petitioners submitted applications for the posts of Assistant Engineer, Junior Engineer, and Chemical Supervisor and appeared for the written test conducted by Respondent - KPCL on 21.01.2018.

24. Respondent - KPCL, by order dated 23.06.2018, cancelled the written examination held on 21.01.2018. Thereafter, a notification dated 16.07.2018 was issued for conducting a fresh written test through the KEA. The re-test was conducted by respondent – KEA on 18.02.2024, in which the petitioners participated. Subsequently, respondent – KPCL issued a notification dated 08.05.2024 along with the provisional score list, informing the candidates that one-third marks would be deducted

for every wrong answer. Some of the candidates filed a writ petition in W.P.No.14233/2024, challenging the provisional score list dated 08.05.2024. The said writ petition was dismissed, holding that the negative marking was a part of the earlier examination and also that the re-test held on 18.02.2024 was to be conducted on similar terms.

25. Being aggrieved by the order passed in W.P.No.14233/2024, certain candidates filed writ appeals in W.A.No.1298/2024 and connected matters. By order dated 28.05.2025, the writ appeals were allowed, and the orders passed by the learned Single Judge were set aside, directing respondent Nos. 1 to 3 to conduct a re-examination for all candidates who appeared in the examination on 18.02.2024 pursuant to the notification dated 03.08.2017. The operative portion of the judgment passed by the Division Bench in W.A.No.1298/2024 is extracted below:

"(i) The writ appeals are allowed.

(ii) The orders of learned Single Judge in Writ Petition No.14233 of 2024 dated 12.06.2024 and in Writ Petition 16517 of 2024 dated 10.07.2024 are set aside.

(iii) The Notification bearing No.ED/KEA/KPCL/2024 the Final Score List dated 12.06.2024 and the Provisional Score List dated 08.05.2024 are hereby quashed.

(iv) Respondent Nos. 1 to 3 are hereby directed to conduct a re-examination expeditiously and within reasonable time for all candidates appeared in the examination on 18.02.2024 pursuant to the Notification dated 03.08.2017.

(v) The re-examination shall be conducted subject to the condition of negative marking, and such condition shall be expressly communicated to all candidates much before examination."

26. This order has been confirmed by the Apex Court in Special Leave Petition (Civil) No. 21754/2025 by passing the following order:

"2. However, we direct that in the re-test that has to be conducted as directed by the High court, all the candidates who had taken the earlier test, since quashed, shall also be entitled to take the re-test.

3. If any candidate due to passage of time has become age barred, the same shall not operate as a bar for consideration of their candidature for appointment.

4. We record the submission of Mr.K.Shashi Kiran Shetty, learned Additional Advocate General for the State of Karnataka that the re-test shall be conducted within four months from date."

27. It is evident that in the earlier round of litigation, the challenge was confined only to the aspect of negative marking. None of the candidates have challenged any other condition. Hence, petitioners are estopped from challenging any condition. In the notification dated 03.08.2017, insofar as the written test is concerned, no minimum

passing marks were prescribed. The relevant portion of the notification is extracted below:

"A written test for 100 marks will be conducted in the relevant technical subjects. Questions will be of objective type with OMR sheet.

The question papers will be in English version in respect of engineering cadres only whereas for Chemists/Chemical Supervisors the question paper will be in both Kannada & English."

28. Even with regard to conducting a written test for Hyderabad-Karnataka and Non-Hyderabad-Karnataka candidates is concerned, single written test was prescribed, none of the candidates had challenged the notification. The notification dated 03.08.2017 was challenged only insofar as it related to negative marking. All these petitioners, in the earlier round of litigation, having accepted the said notification and participated in the selection process by appearing for the written test, now estopped from challenging the

said conditions. This view is fortified by the dictum of the Apex Court in the case of **DHANANJAY MALIK AND OTHERS vs. STATE OF UTTARANCHAL AND OTHERS** reported in **(2008) 4 SCC 171**, wherein the Apex Court has held as follows:

"7. It is not disputed that the respondent-writ petitioners herein participated in the process of selection knowing fully well that the educational qualification was clearly indicated in the advertisement itself as BPE or graduate with diploma in Physical Education. Having unsuccessfully participated in the process of selection without any demur they are estopped from challenging the selection criterion inter alia that the advertisement and selection with regard to requisite educational qualifications were contrary to the Rules.

8. In Madan Lal v. State of J&K [(1995) 3 SCC 486 : 1995 SCC (L&S) 712 : (1995) 29 ATC 603] this Court pointed out that when the petitioners appeared at the oral interview conducted by the members concerned of the Commission who interviewed the petitioners as

well as the contesting respondents concerned, the petitioners took a chance to get themselves selected at the said oral interview. Therefore, only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed writ petitions. This Court further pointed out that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted.

9. In the present case, as already pointed out, the respondent-writ petitioners herein participated in the selection process without any demur; they are estopped from complaining that the selection process was not in accordance with the Rules. If they think that the advertisement and selection process were not in accordance with the Rules they could have challenged the advertisement and selection process without participating in the selection process. This has not been done."

29. This issue is also re-iterated by the Apex Court in the case of **ASHOK KUMAR AND ANOTHER vs. STATE OF BIHAR AND OTHERS** reported in **(2017) 4 SCC 357**. The relevant portion is extracted below:

"12. The appellants participated in the fresh process of selection. If the appellants were aggrieved by the decision to hold a fresh process, they did not espouse their remedy. Instead, they participated in the fresh process of selection and it was only upon being unsuccessful that they challenged the result in the writ petition. This was clearly not open to the appellants. The principle of estoppel would operate.

13. The law on the subject has been crystallised in several decisions of this Court. In Chandra Prakash Tiwari v. Shakuntala Shukla [Chandra Prakash Tiwari v. Shakuntala Shukla, (2002) 6 SCC 127 : 2002 SCC (L&S) 830] , this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to

be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In Union of India v. S. Vinodh Kumar [Union of India v. S. Vinodh Kumar, (2007) 8 SCC 100 : (2007) 2 SCC (L&S) 792] , this Court held that : (SCC p. 107, para 18)

"18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same. (See Munindra Kumar v. Rajiv Govil [Munindra Kumar v. Rajiv Govil, (1991) 3 SCC 368 : 1991 SCC (L&S) 1052] and Rashmi Mishra v. M.P. Public Service Commission [Rashmi Mishra v. M.P. Public Service Commission, (2006) 12 SCC 724 : (2007) 2 SCC (L&S) 345] .)"

14. The same view was reiterated in Amlan Jyoti Borooah [Amlan Jyoti Borooah v. State of Assam, (2009) 3 SCC 227 : (2009) 1 SCC (L&S) 627] wherein it was held to be well settled that the candidates who have taken part in a selection process knowing fully well the procedure laid down therein are not

entitled to question it upon being declared to be unsuccessful.

15. In Manish Kumar Shahi v. State of Bihar [Manish Kumar Shahi v. State of Bihar, (2010) 12 SCC 576 : (2011) 1 SCC (L&S) 256] , the same principle was reiterated in the following observations : (SCC p. 584, para 16)

"16. We also agree with the High Court [Manish Kumar Shahi v. State of Bihar, 2008 SCC OnLine Pat 321 : (2009) 4 SLR 272] that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the judgments in Madan Lal v. State of J&K [Madan Lal v. State of J&K, (1995) 3 SCC 486 : 1995 SCC (L&S) 712] , Marripati Nagaraja v. State of A.P. [Marripati Nagaraja v. State of A.P., (2007) 11 SCC 522 : (2008) 1 SCC (L&S) 68] , Dhananjay Malik v. State of Uttaranchal [Dhananjay Malik v. State of Uttaranchal, (2008) 4 SCC 171 : (2008) 1 SCC (L&S) 1005 : (2008) 3 PLJR 271] , Amlan Jyoti Borooah v. State of Assam [Amlan Jyoti

Borooah v. State of Assam, (2009) 3 SCC 227 : (2009) 1 SCC (L&S) 627] and K.A. Nagamani v. Indian Airlines [K.A. Nagamani v. Indian Airlines, (2009) 5 SCC 515 : (2009) 2 SCC (L&S) 57] .”

16. *In Vijendra Kumar Verma v. Public Service Commission [Vijendra Kumar Verma v. Public Service Commission, (2011) 1 SCC 150 : (2011) 1 SCC (L&S) 21] , candidates who had participated in the selection process were aware that they were required to possess certain specific qualifications in computer operations. The appellants had appeared in the selection process and after participating in the interview sought to challenge the selection process as being without jurisdiction. This was held to be impermissible.*

17. *In Ramesh Chandra Shah v. Anil Joshi [Ramesh Chandra Shah v. Anil Joshi, (2013) 11 SCC 309 : (2011) 3 SCC (L&S) 129] , candidates who were competing for the post of Physiotherapist in the State of Uttarakhand participated in a written examination held in pursuance of an advertisement. This Court held that if they had cleared the test, the respondents would not have raised any objection to the selection process or to the*

methodology adopted. Having taken a chance of selection, it was held that the respondents were disentitled to seek relief under Article 226 and would be deemed to have waived their right to challenge the advertisement or the procedure of selection. This Court held that : (SCC p. 318, para 18)

"18. It is settled law that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome."

18. In Chandigarh Admn. v. Jasmine Kaur [Chandigarh Admn. v. Jasmine Kaur, (2014) 10 SCC 521 : 6 SCEC 745] , it was held that a candidate who takes a calculated risk or chance by subjecting himself or herself to the selection process cannot turn around and complain that the process of selection was unfair after knowing of his or her non-selection. In Pradeep Kumar Rai v. Dinesh Kumar Pandey [Pradeep Kumar Rai v. Dinesh Kumar Pandey, (2015) 11 SCC 493 : (2015) 3 SCC (L&S) 274] , this Court held that : (SCC p. 500, para 17)

"17. Moreover, we would concur with the Division Bench on one more point that the appellants had participated in the process of

interview and not challenged it till the results were declared. There was a gap of almost four months between the interview and declaration of result. However, the appellants did not challenge it at that time. This, it appears that only when the appellants found themselves to be unsuccessful, they challenged the interview. This cannot be allowed. The candidates cannot approbate and reprobate at the same time. Either the candidates should not have participated in the interview and challenged the procedure or they should have challenged immediately after the interviews were conducted."

This principle has been reiterated in a recent judgment in Madras Institute of Development Studies v. K. Sivasubramaniyan [Madras Institute of Development Studies v. K. Sivasubramaniyan, (2016) 1 SCC 454 : (2016) 1 SCC (L&S) 164 : 7 SCEC 462] .

19. In the present case, regard must be had to the fact that the appellants were clearly on notice, when the fresh selection process took place that written examination would carry ninety marks and the interview, ten marks. The appellants participated in the selection process. Moreover, two other considerations weigh in balance. The High Court noted in the impugned judgment [Anurag Verma v. State of Bihar, 2011 SCC OnLine Pat 1289.] that the interpretation of Rule 6 was not free from

vagueness. There was, in other words, no glaring or patent illegality in the process adopted by the High Court. There was an element of vagueness about whether Rule 6 which dealt with promotion merely incorporated the requirement of an examination provided in Rule 5 for direct recruitment to Class III posts or whether the marks and qualifying marks were also incorporated. Moreover, no prejudice was established to have been caused to the appellants by the 90 : 10 allocation.

20. The decision in Raj Kumar v. Shakti Raj [Raj Kumar v. Shakti Raj, (1997) 9 SCC 527 : 1997 SCC (L&S) 1029] (which was relied upon by the appellants) involved a case where the Government was found to have committed glaring illegalities in the procedure. Hence, it was held that the principle of estoppel by conduct or acquiescence had no application. The decision is distinguishable.

21. In this view of the matter, the Division Bench cannot be held to be in error in coming to the conclusion that it was not open to the appellants after participating in the selection

process to question the result, once they were declared to be unsuccessful. During the course of the hearing, this Court is informed that four out of six candidates, who were ultimately selected, figured both in the first process of selection as well as in the subsequent selection. One candidate is stated to have retired.”

30. In the case on hand, since the conditions in the earlier notification dated 03.08.2017 were not challenged, and in view of the specific directions issued by the Division Bench of this Court as well as the Supreme Court to conduct the re-test in terms of the notification dated 03.08.2017, the impugned notification has been issued accordingly. The petitioners cannot now contend that the same is contrary to the C & R Rules. Therefore, there is no illegality or error in the impugned notification dated 19.11.2025.

31. In the light of the discussions made above, I am of the view that these writ petitions are devoid of merit and are accordingly dismissed.

In view of dismissal of the main matters, all pending applications stand disposed of.

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

Cm/-