



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 107444 OF 2025 (S-REG)

BETWEEN:

RAVINDRANATH N. VISHWAJNA
S/O. NARAYANACHARYA VISHWAJNA,
AGED ABOUT 49 YEARS, OCC. TYPIST,
TOWN MUNICIPAL COUNCIL,
NAVALAGUND-582 208,
DIST. DHARWAD.

... PETITIONER

(BY SRI. SANTOSH.B.MANE, ADVOCATE)

AND:

1. THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
9TH FLOOR, VISHVESHWARIAH TOWERS,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT, DHARWAD-580 001.
3. PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
DHARWAD-580 001.
4. THE CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL,
NAVALAGUND-582 208.

... RESPONDENTS

(BY SMT. GIRIJA HIREMATH, HCPG FOR R1 TO R3;
SRI. MRUTYUNJAY.B.PUJAR AND
SRI. S.B. MALLIGAWAD, ADVOCATES FOR R4)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Santosh B.Mane., counsel for the petitioner and Smt.Girija Hiremath., HCGP for respondents 1 to 3 have appeared in person.

2. The petition is filed seeking following reliefs:

*"1. Issue a writ in the nature of certiorari and quash the endorsement dated 30-03-2022 bearing No.26062:DMA 63 DWE/2018-19 is produced as **Annexure-R** passed by the 1st respondent in rejecting the case of the petitioner for regularization of his services holding the same as arbitrary and contrary to the documents and recommendations of respondents 2 and 4.*

*2. Issue a writ in the nature of mandamus directing the 1st respondent authority to the representation of the petitioner dated 24-04-2025 vide **Annexure-W** and consider case of the petitioner for regularization in the light of the earlier recommendations of respondents 2 and 4 in the matter.*

3. Grant any other relief/s deemed fit in the facts and circumstances of the case, in the interest of justice and equity."



3. Counsel appearing for the respective parties urged several contentions.

The High Court Government Pleader justified the action of the first respondent and contended that the petitioner was appointed on 01.04.1991 and that the resolution dated 30.05.1992 has no relevance. Hence, it was submitted that the writ petition is devoid of merit and liable to be dismissed.

4. Heard the arguments of both sides and perused the material on record with care.

5. It is not in dispute that the petitioner, having completed his Junior Typing Examination in both Kannada and English, was working as a Typist in respondent No.4 – Municipal Council on a temporary/contract basis from 01.04.1991, as there was no typist available, though a sanctioned post existed.

Subsequently, the petitioner cleared the Senior Typing Examination in both languages. In view of the acute necessity for a regular Typist, respondent No.4 passed a resolution dated 30.05.1992 proposing to appoint the petitioner to the said post,



treating him as a daily wage employee from the date of the resolution.

Thereafter, the petitioner, along with other similarly placed employees, approached this Court in W.P. Nos. 103797-103800/2014, wherein a direction was issued to consider their cases for regularization.

Pursuant thereto, respondents 2 and 4, after verification of records, forwarded a proposal to the first respondent for regularization of the petitioner's services. However, the committee headed by the first respondent rejected the claim. The petitioner submitted a representation, which was again rejected on the ground that he was not appointed to a sanctioned post.

Aggrieved, the petitioner filed W.P. No.102181/2018, which came to be allowed by holding that the appointment was against a sanctioned post, and a direction was issued to reconsider his case. However, upon reconsideration, the respondents issued an endorsement dated 30.03.2022 rejecting the claim by treating the appointment date as 01.04.1991 instead of 30.05.1992.



This Court finds that the respondents have failed to consider the material aspect that the petitioner initially worked on a contract basis from 01.04.1991 to 30.05.1992 and that a fresh resolution dated 30.05.1992 was passed after he acquired the requisite qualification (Senior Typing Examination), specifically recognizing his suitability for appointment to the sanctioned post.

The first respondent has thus overlooked the resolution dated 30.05.1992 and erroneously treated the initial contractual engagement as the date of appointment. Such an approach is unsustainable in law.

6. Accordingly, the endorsement impugned is liable to be quashed.

7. In the result, the following order is passed:

- i. The writ petition is **allowed**.
- ii. A writ of certiorari is issued quashing the endorsement dated 30.03.2022 issued by respondent No.1 (Annexure-R).
- iii. The first respondent is directed to reconsider the case of the petitioner for regularization of services



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in the light of the resolution dated 30.05.1992
(Annexure-A).

- iv. Such consideration shall be made within a period of four (4) weeks from the date of receipt of a certified copy of this order.
- v. Ordered accordingly.

**Sd/-
(JYOTI M)
JUDGE**

MRP
LIST NO.: 2 SL NO.: 21