



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 105450 OF 2024 (S-RES)

C/W

WRIT PETITION NO. 105537 OF 2024 (S-RES)

WRIT PETITION NO. 105585 OF 2024 (S-RES)

IN WP No. 105450/2024:

BETWEEN:

SRI. SURAKSHITH H.T S/O. THIMMAIAH
AGED ABOUT 24 YEARS, OCC. UNEMPLOYED,
R/O. HIRIYALU VILLAGE, YARAGANALU POST,
HIRIYALU, ARSIKERE, HASANA-573164.

...PETITIONER

(BY SRI. JANARDAN, SENIOR COUNSEL FOR
SRI. SABEEL AHMED, ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HON'BLE HIGH COURT OF KARNATAKA,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BALLARI DISTRICT,
BALLARI-583101.

...RESPONDENTS

(BY SRI. JAGADISH PATIL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARIFIED MANDAMUS OR ANY OTHER, APPROPRIATE WRIT FOR QUASHING ANNEXURE-K NOTIFICATION VIDE NO.21/2024 DATED 28/06/2024 CANCELLING LISTS PERTAINING TO THE PETITIONER AT SL.NO.7,12,14 AND 18 ISSUED BY THE 2ND RESPONDENT, THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, BALLARI AS THE SAME IS ARBITRARY IN NATURE; AND ETC.





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IN WP NO. 105537/2024:
BETWEEN:

1. KUM. PRIYANKA D/O. SHARANAPPA
AGED. 24 YEARS, OCC. UNEMPLOYED,
R/O. NEAR IMPERIAL FUNCTION HALL,
YALLAMMADEVI TEMPLE GUNJ AREA,
HYDERABAD ROAD, YADGIRI-585201.
2. SMT. SHEKAMMA R. D/O. SANNA RAMAPPA R.
AGED 32 YEARS, OCC: UNEMPLOYED,
R/O. WARD NO.1, PARVATHI NAGAR,
NEAR ESHWAR TEMPLE, CANAL ROAD,
BALLARI-583101.
3. KUM. RADHIKA D/O. BHEEMAPPA
AGED 23 YEARS, OCC. UNEMPLOYED,
R/O. HOUSE NO.4-3-132, NEAR AYYI GUDI,
AMBEDKAR NAGAR, YADGIRI DISTRICT-585201.
4. SRI. MAHENDRA S/O. PAMPAPATHI,
AGED ABOUT 24 YEARS, OCC. UNEMPLOYED,
R/O. WARD NO.17, VALMIKI ONI,
JAHANGIR THOTA, BISILAHALLI, BALLARI-583103.
5. SRI. B.K. MANJUNATH BHAT S/O. B. KOTRAPPA,
AGED 34 YEARS, OCC: UNEMPLOYED,
R/O: WARD NO.3, BLOCK-1, 3RD CROSS,
SIRUGUPPA ROAD, MARUTHI NAGAR,
BALLARI-583103.
6. SRI. VIJAY KUMAR S/O. PAMPANNA,
AGED 21 YEARS, OCC: UNEMPLOYED,
R/O. AT POST BUDIWAL CAMP, BUDIWAL,
SINDHANUR TALUK, RAICHUR DISTRICT-584167.
7. SRI. PAVAN REDDY UDED
S/O. U. JADESHA REDDY,
AGED 24 YEARS, OCC: UNEMPLOYED,
R/O: WARD NO.10,
NEAR SHANKAR TRAST COLLEGE,
NATARAJA COLONY, SINDHANURU,
RAICHUR-584128.



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8. KUM. GOURI B. D/O. GANAPATHI B.
AGED 20 YEARS, OCC: STUDENT,
R/O: H.NO.1/109, CHITTA VTC, PO: CHITTA,
BIDAR DISTRICT-585403.

...PETITIONERS

(BY SRI. JANARDAN, SENIOR COUNSEL FOR
SRI. SABEEL AHMED, ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HON'BLE HIGH COURT OF KANRATAKA,
DR. B R AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE,
BALLARI DISTRICT, BALLARI-583101.

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IN WP NO. 105585/2024:

BETWEEN:

1. KUM. YOGESHWARI S. D/O. DIWAKAR S.
AGED. 27 YEARS, OCC. UNEMPLOYED,
R/O. DOOR NO. 55, WARD NO. 10,
NEAR MARISWAMY MUTT,
MARATHI BIKKOJI ROA STREET,
BALLARI-583101.
2. SMT. SAVITA SUMBAD S/O. SHIVAPUTRA
AGED. 25 YEARS, OCC. UNEMPLOYED,
R/O. HOUSE NO. 7-42, BASAVESHWAR CHOWK,



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NADAGATTI AREAD, FARAHATABADA TALUK,
KALABURAGI DISTRICT-585308.

3. SRI. VEERESHA V.M S/O. KEMPAMARENNA
AGED. 31 YEARS, OCC. UNEMPLOYED,
R/O. WARD NO. 1, KAREKAL VILALGE,
KAREKAL POST, BALLARI-583111.
4. SRI. PRABHAKAR S/O. BHIMARAO
AGED ABOUT 26 YEARS, OCC. UNEMPLOYED,
R/O. AMBEDKAR COLONY,
JAMBAGA B, JAMGA (B),
ASTA, KALABURGI-585104.

...PETITIONERS

(BY SRI. JANARDAN, SENIOR COUNSEL FOR
SRI. SABEEL AHMED, ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HON'BLE HIGH COURT OF KARNATAKA,
DR. B.R AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE,
BALLARI DISTRICT, BALLARI-583101.

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THESE WRIT PETITION COMING ON FOR ORDER THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

These writ petitions call in question Notification No.21/2024 dated 28.06.2024 issued by the Office of the Principal District and Sessions Judge, Ballari canceling the selection list, prepared pursuant to the recruitment Notification Nos.9/2024 and 10/2024 dated 04.04.2024 for the post of typist and typist-cum-copyists and for consequential reliefs.

2. Since common questions arise, the writ petitions are taken up together and disposed of by this common order.

Factual background:

3. Recruitment Notification Nos.9/2024 and 10/2024 dated 04.04.2024 invited applications for filling vacant post of typist and typist-cum-copyists. The petitioners participated in the recruitment process, qualified in the skill test and viva voce, and their names appeared in the published selection list. On receipt of a



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letter dated 27.06.2024 from the registry of this Court, the Office of the Principal District and Sessions Judge cancelled all the selection lists by Notification No.21/2024 dated 28.06.2024.

4. During the pendency of the writ petitions, a memo dated 18.02.2026 was filed by respondent No.2 stating that:

- i. The selection list was cancelled.
- ii. No further steps were taken in the recruitment process after 27.06.2024.
- iii. Due to bifurcation of Ballari District into Ballari and Vijayanagara, there are presently no vacancies of typist or typist-cum-copyist in Ballari District.
- iv. No vacant posts are available in Vijayanagara District.



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The memo is accompanied with the letter of the Office of Principal District and Sessions Judge, Ballari dated 16.02.2026.

5. Learned counsel for the petitioners Sri Janardan, submits that inclusion in the selection list created a legitimate expectation of appointment. Since the notifications were not cancelled, the recruitment process ought to have continued. It is submitted that compassionate appointment of one Shivu indicates availability of vacancy and that cancellation is arbitrary and violative of Articles 14 and 16 of the Constitution.

6. Learned counsel for respondent No.2 submits that no indefeasible right arose from inclusion in a selection list. The recruitment process did not culminate in appointment and that the district bifurcation resulted in non-availability of vacancy. It is submitted that when the process itself is not completed, the question of continuing with the notification did not arise. It is submitted that the



petitioners cannot compel respondent No.2 to continue the process when it is not intending and filling up post in the absence of vacancy. Reliance is placed on the decision of the Apex Court in the case of ***Tej Prakash Pathak and others Vs. Rajasthan High Court and others***¹ (*Tej Prakash Pathak*), and ***Shankarsan Dash Vs. Union of India***² (*Shankarsan Dash*).

7. This Court has carefully considered the rival submissions and perused the material on record.

8. The point that arises for consideration is:

“Whether inclusion in a selection list confers an indefeasible right to appointment when the office of the Principal District and Sessions Judge indicated that recruitment process did not proceed further in light of the registry of this Court having cancelled all the lists, can there be a direction to continue the recruitment even when notifications have not been cancelled?”

¹ (2025) 2 SCC 1

² (1991)3 SCC 47



9. The Constitution Bench of the Apex Court in ***Shankarsan Dash*** held that '*a candidate whose name appears in a selection list does not acquire an infeasible right to appointment.*'

10. The Apex Court in the case of ***Tej Prakash Pathak*** reaffirmed that '*even if a candidate is placed in a selection list does not get an infeasible right to be appointed, even if vacancies are available.*'

11. Similar was the view taken by the Apex Court in ***Subash Chander Marwaha Vs. State of Haryana***³ (*Subash Chander Marwaha*), where against 15 vacancies only top 7 from selected list were appointed. But there is a caveat. The State or instrumentality cannot arbitrarily deny appointment to a selected candidate. Therefore, when a challenge is laid to the State's action in respect of denying appointment to a selected candidate, the burden

³ AIR 1973 SC 2216



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is on the State to justify its decision for not making appointment from the selection list.

12. In the present case, appointment orders were never issued. Therefore, the petitioners claim remains inchoate. The petitioners not pleaded any arbitrariness or *malafide* for cancelling of the selection list. It is true that Notification Nos.9/2024 and 10/2024 were not formally cancelled. However, a recruitment notification is only an expression of intention to fill up the post. It does not create a statutory compulsion to complete the process irrespective of subsequent administrative developments. If the vacancies themselves have ceased to exist due to cadre restructuring or bifurcation, the Court cannot compel continuation of recruitment process merely because the notification technically survives. It is also placed on record that:

- i. Ballari District has been bifurcated into Ballari and Vijayanagara.
- ii. The cadre strength has been relocated.



- iii. No vacancies of typist or typist-cum-copyist are presently available.
- iv. No material is produced to establish that the petitioner's selection is deliberately withheld.

13. The reliance on compassionate appointment of one Shivu does not alter the legal position, as compassionate appointment is governed by separate rules, may be the appointment is against the supernumerary or specially sanctioned post and it does not establish existence of a regular recruitment vacancy. Such an appointment cannot create parity or enforceable right in favour of the selected candidates.

14. The discontinuity of recruitment process is explained by administrative communication dated 27.06.2024, subsequent district bifurcation and non-availability of vacancy. No *malafides* or discriminatory treatment is established and the burden which was cast



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upon respondent No.2 as per the law declared in **Tej Prakash Pathak** stands sufficiently discharged.

15. Inclusion in the selection list does not confer an indefeasible right to appointment. This Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot compel continuation of recruitment or filling up of posts when vacancies are not shown to exist. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

The writ petitions are hereby ***dismissed***.

Sd/-
JUSTICE K.S.HEMALEKHA

MBM
CT:VH
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