



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 19TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MRS JUSTICE K.G.SHANTHI

WRIT APPEAL NO.100585 OF 2023 (S-RES)

C/W

WRIT APPEAL NO.100178 OF 2023 (S-RES)

IN WA NO.100585/2023:

BETWEEN:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
WOMAN AND CHILD WELFARE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA, BENGLAURU-01.
2. THE DEPUTY COMMISSIONER BAGALKOTE
AND PRESIDENT OF SELECTION COMMITTEE OF
ANGANAWADI WORKER/ASSISTANT,
BAGALKOTE-587103.
3. CHIEF EXECUTIVE OFFICER
AND VICE-PRESIDENT OF SELECTION COMMITTEE OF
ANGANAWADI WORKER/ASSISTANT,
BAGALKOTE-587103.
4. DEPUTY DIRECTOR,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT AND
MEMBER OF SELECTION COMMITTEE OF ANGANAWADI
WORKER/ASSISTANT, JAMAKHANDI,
TQ. JAMAKHANDI, DIST. BAGALKOTE-587301.
5. EXECUTIVE OFFICER,
TALUKA PANCHAYAT AND MEMBER OF SELECTION
COMMITTEE OF ANGANAWADI WORKER/ASSISTANT,
JAMAKHANDI, TQ. JAMAKHANDI,
DIST. BAGALKOTE-587301.



6. TALUKA HEALTH AND FAMILY WELFARE OFFICER
AND MEMBER OF SELECTION COMMITTEE OF
ANGANAWADI WORKER ASSISTANT, JAMAKHANDI,
TQ. JAMAKHANDI, DIST. BAGALKOTE-587301.
7. TALUKA SOCIAL WELFARE OFFICER,
DEPARTMENT OF SOCIAL WELFARE AND MEMBER OF
SELECTION COMMITTEE OF ANGANAWADI
WORKER/ASSISTANT, JAMAKHANDI,
TQ. JAMAKHANDI, DIST. BAGALKOTE-587301.
8. CHILD DEVELOPMENT PROJECT OFFICER,
JAMAKHANDI, AND MEMBER OF SELECTION COMMITTEE
OF ANGANAWADI WORKER/ASSISTANT, JAMAKHANDI,
TQ. JAMAKHANDI, DIST. BAGALKOTE-587301.

...APPELLANTS

(BY SRI. T. HANUMAREDDY, ADDL. SPP)

AND:

1. DANAMMA W/O LATE PRAVEEN MATAPATHI,
AGE. 32 YEARS, OCC. NIL,
R/O. VIDHYA NAGAR, NEAR LAXMI TEMPLE,
POST. RABAKAVI, TQ. JAMAKHANDI,
NOW TQ. RABAKAVI-BANAHATTI,
DIST. BAGALKOTE-587314.
2. USHA D/O HANAMANT TEARDAL,
AGE. 34 YEARS,
R/O VIDHYA NAGAR, NEAR KEB,
RABKAVI, TQ. JAMAKHANDI,
NOW TQ. RABAKAVI-BANAHATTI,
DIST. BAGALKOTE-587314.

...RESPONDENTS

(BY SRI. PRASHANT S. KADADEVAR, ADVOCATE FOR R1;
SRI. ABHISHEK BARIGIDAD, ADVOCATE FOR
SRI. MRUTYUNJAY TATA BANGI, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO.108608/2018 (S-RES) DATED 27.01.2023 AND
FURTHER DISMISS THE WRIT PETITION IN THE INTEREST OF
JUSTICE AND EQUITY & ETC.



IN WA NO. 100178/2023:

BETWEEN:

USHA D/O HANAMANT TERDAL,
AGE. 34 YEARS, OCC. NIL,
R/AT VIDHYA NAGAR, NEAR KEB, RABKAVI,
TQ. JAMKHANDI, NOW TQ. RABAKAVI-BANAHATTI,
DIST. BAGALKOT.

...APPELLANT

(BY SRI. ABHISHEK BARIGIDAD, ADVOCATE FOR
SRI. MRUTYUNJAY TATA BANGI, ADVOCATE)

AND:

1. SMT. DANAMMA W/O LATE PRAVEEN MATAPATHI,
AGE. 32 YEARS, OCC. NIL,
R/AT VIDHYA NAGAR, NEAR LAXMI TEMPLE,
POST. RABAKAVI, TQ. JAMKHANDI, DIST. BAGALKOT.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
WOMEN AND CHILD WELFARE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA, BENGALURU-01.
3. THE DEPUTY COMMISSIONER,
BAGALKOT AND PRESIDENT OF SELECTION COMMITTEE OF
ANGANAWADI WORKER/ASSISTANT, BAGALKOT.
4. THE CHIEF EXECUTIVE OFFICER
AND VICE-PRESIDENT OF SELECTION
COMMITTEE OF ANGNAWADI,
WORKER/ASSISTANT, BAGALKOT, BAGALKOT.
5. THE DEPUTY DIRECTOR,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
AND MEMBER OF SELECTION COMMITTEE OF
ANGANAWADI WORKER/ASSISTANT,
JAMKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT.
6. THE EXECUTIVE OFFICER
TALUKA PANCHAYAT AND MEMBER OF
SELECTION COMMITTEE OF ANGANAWADI,
WORKER/ASSISTANT,
JAMKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT.



7. THE TALUKA HEALTH AND FAMILY WELFARE OFFICER
AND MEMBER OF SELECTION,
COMMITTEE OF ANGANAWADI WORKER/ASSISTANT,
JAMKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT.
8. THE TALUKA SOCIAL WELFARE OFFICER
DEPARTMENT OF SOCIAL WELFARE AND MEMBER OF
SELECTION COMMITTEE OF ANGANAWADI
WORKER/ASSISTANT,
JAMKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT,
SRI. MADAN S/O VISHNUPANT DESHPANDE,
AGE. 55 YEARS, OCC. ADVOCATE.
9. THE CHILD DEVELOPMENT PROJECT OFFICER,
JAMKHANDI, MEMBER OF
SELECTION COMMITTEE OF ANGANAWADI
WORKER/ASSISTANT,
JAMKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT.
...RESPONDENTS

(BY SRI. PRASHNAT S. KADADEVAR, ADVOCATE FOR R1;
SRI. T. HANUMAREDDY, ADDL. SPP FOR R2 TO R9)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT 1961, PRAYING TO SET ASIDE
THE ORDER PASSED BY THIS HON'BLE COURT IN WRIT
PETITION NO.108608 OF 2018 DATED 27/01/2023 AND DISMISS
THE WRIT PETITION BY ALLOWING THE WRIT APPEAL IN THE
INTEREST OF JUSTICE AND EQUITY.

THESE WRIT APPEALS COMING ON FOR
PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
HON'BLE MRS JUSTICE K.G.SHANTHI



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The parties are referred to by their rank in the writ proceedings for the sake of convenience.

2. Danamma-Applicant for the post of Anganwadi Assistant had filed the writ petition calling in question the selection of Respondent No.9-Usha for the said post. The contention of the petitioner is that she was a widow and she had completed her SSLC and accordingly, she was entitled to be selected while respondent No.9 had only passed her 9th standard. It is contented that in terms of the applicable guidelines i.e. condition No.7 provided for preference to widows which in fact amounted to a reservation and accordingly, she being a widow, had to be selected ignoring the claims of others. The learned Single Judge accepting the case made out by Danamma-petitioner, set-aside the order appointing respondent No.9 as Anganwadi Assistant and allowed the writ petition. The relevant observations that



would reflect the reasoning of the learned Single Judge are found at paragraph-7 and 8, which read as follows:

"7. Having heard the learned counsel appearing for the parties, I have carefully examined the notification issued by the respondent-Authorities calling for appointment of Anganawadi Assistant to the centre at Rabakavi, Vidya Nagar, Ward No.30 and perusal of the writ papers would indicate that as the proceedings dated 15.03.2018 (Annexure-E to the writ petition) indicates that the 9th respondent has scored 40.16% in 9th standard and therefore the case of the petitioner was not considered on the ground that the petitioner has produced the S.S.L.C. certificate and despite certificate showing that she is a widow, respondent-authorities are erred in appointing respondent No.9.

8. Taking into consideration the factual aspects that though the petitioner has studied up to 10th standard, which does not disentitle the petitioner to make an application seeking appointment of Anganawadi Assistant as she has studied 9th standard and also she being a widow ought to have been considered in terms of the notification produced at Annexure-A to the writ petition. In that way of the matter, I find that the 4th respondent herein, without application of mind has appointed the 9th respondent herein leaving out the conditions stipulated in the notification and accordingly, I am of the view that the writ petition is liable to be allowed. Therefore, proceedings dated 15.03.2018 passed by the respondent-Authorities appointing the 9th respondent herein to the post of Anganawadi Assistant to the Rabakavi Vidya Nagar, Ward No.30 (Annexure-E) is hereby quashed and the 4th respondent herein shall redo the entire exercise within a period of two weeks from today and consider the case of the petitioner along with any such applications made by the applicants thereof and appoint the Anganawadi Assistants in accordance with law."



3. The said order is called in question by the State in WA No.100585/2023 and respondent No.9 has also filed another writ appeal in WA No.100178/2023.

4. Sri. T. Hanumreddy, learned Addl. Govt. Advocate appearing on behalf of the State would contend that guideline Nos.4 and 7 relating to selection are to be read conjunctively and unless the applicant, even if a widow, fulfils the condition mentioned at guideline No.4, selection could not have been made and accordingly, submits that the finding of the learned Single Judge that Danamma was entitled by virtue of being a widow without taking note of the condition No.4 was not legally tenable. It is further contented that the learned Single Judge infact observed that Danamma, who had completed SSLC was more qualified than that of respondent No.9. It is submitted that such finding is also not legally tenable, as a person, who is overqualified has no claim in light of the minimum and maximum requirements criteria of education fixed in terms of guideline No.4 and as the maximum educational



qualification stipulated was 9th standard pass, a person having SSLC would be overqualified and not eligible.

5. Heard both sides.

6. The reasoning of the learned Single Judge is found at Paragraph-7 and 8, reproduced above. The contention of learned AGA requires acceptance. Though guideline No.7 provides that a widow could be given preference, however, such conditions cannot have the effect of any relaxation of Condition No.4. Condition Nos.4 and 7 reads as follows:

“4. ಕನಿಷ್ಠ 4ನೇ ತರಗತಿ ತೇರ್ಗಡೆ, ಗರಿಷ್ಠ - 9ನೇ ತರಗತಿ ತೇರ್ಗಡೆ ಹೊಂದಿರಬೇಕು ಹೆಚ್ಚಿನ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಪರಿಗಣಿಸಲಾಗುವುದಿಲ್ಲ.

7. ಅಂಗನವಾಡಿ ಸಹಾಯಕಿ ಹುದ್ದೆಗೆ ವಿಧವೆಯರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಾಗ ಇತರೆ ಅರ್ಜಿಗಳನ್ನು ಪರಿಗಣಿಸದೇ ನೇರವಾಗಿ ವಿಧವೆಯರನ್ನು ಆಯ್ಕೆ ಮಾಡಲಾಗುವುದು.”

7. We have perused both the conditions extracted above. The said conditions would lead for taking of an interpretation whereby condition No.4 is a non-negotiable minimum qualification. Having possessed such qualification, the preference under condition No.7 would come into play. A



person who does not fall within the criteria under Condition No.4 cannot claim preference under Condition No.7.

8. Learned Single Judge having noticed that Danamma had completed 10th Standard has remarked that the said applicant had a higher qualification. However, it must be noticed that the qualification prescribed in guideline No.4 was minimum 4th standard passed and maximum qualification of 9th standard pass. Applicant, who is overqualified, would not comply with the educational requirement under Condition No.4. The imposition of condition of qualification is solely within the discretion and policy of the employer. The person, who is overqualified, would also be disqualified to be an applicant for the post. Accordingly, the order of the learned Single Judge requires to be set-aside and it is also to be noticed that the claim of Danamma requires to be rejected on the sole ground that she was overqualified.

9. In light of the discussions made above, we proceed to pass the following:



ORDER

- a)** Both writ appeals are ***allowed***.
- b)** The impugned order passed by the learned Single Judge dated 27.01.2023 in WP No.108608/2018 stands set-aside.
- c)** The costs imposed which is consequential to the action of the respondent/Authority is also set-aside.
- d)** Consequential orders to be passed by the State.
- e)** Pending interlocutory applications, if any, are disposed of as not surviving for consideration, in light of main appeals being disposed of.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(K.G.SHANTHI)
JUDGE