

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 323 OF 2003

GURURAJ RAYAKAR & ANR.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ANR.

Respondent(s)

(With appln(s) for directions,interim stay,ad-interim ex-parte stay,impleadment and office report)

WITH W.P(C) NO. 145 of 2006
(With appln(s) for directions, ex-parte stay and office report)

W.P(C) NO. 177 of 2005
(With appln. for stay and office report)
W.P(C) NO. 196 of 2005
(With appln. for stay and office report)
W.P(C) NO. 198 of 2005
(With appln. for stay and office report)
W.P(C) NO. 370 of 2007
(With appln. for stay, directions and office report)
W.P(C) NO. 478 of 2007
(With appln. for directions and amendment of the petition and office report)
W.P(C) NO. 5 of 2005
(With appln. for ex-parte stay and office report)
W.P(C) NO. 500 of 2005
(With appln. for exemption from filing O.T. and intervention and directions and office report)
W.P(C) NO. 53 of 2005
(With appln. for stay and office report)
W.P(C) NO. 577 of 2004
(With appln. for ex-parte stay, intervention and office report)
W.P(C) NO. 581 of 2003
(With office report)
W.P(C) NO. 615 of 2004, W.P(C) NO. 669 of 2004,
W.P(C) NO. 682 of 2004,W.P(C) NO. 686 of 2004,
W.P(C) NO. 696 of 2004,W.P(C) NO. 71 of 2005
(With appln. for stay and office report)

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W.P(C) NO. 616 of 2004
W.P(C) NO. 620 of 2004
W.P(C) NO. 637 of 2004
W.P(C) NO. 642 of 2004
(With appln. for ex-parte stay and office report)

Date: 31/03/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s)/ Mr. Naveen R. Nath,Adv.

Respondent(s) Ms. Amrita Sharma, Adv.
Mr. N.D.B. Raju, Adv.
Ms. Bharathi Raju, Adv.
Mr. N. Ganpathy, Adv.
Ms. Anitha Shenoy, Adv.
Ms. Hetu Arora, Adv.
M/s. Sanjay R. Hegde, A. Rohen Singh,
Ramesh S. Jadhav, Ramesh K. Mishra, Adv.
Ms. Sheela Goel, Adv.
Mr. Romy Chacko, Adv.
Mr. S.N. Bhat, Adv.
Mr. Shailesh Madiyal, Adv.
Ms. Neha Phookan, Adv.
Mr. R.B. Phookan, Adv.
For Mr. Jagjit Singh Chhabra, Adv.
Mr. Dayan Krishnan, Adv.
Mr. Gautam Narayan, Adv.
For Mr. Nikhil Nayyar, Adv.
Ms. Promila, Adv.
Mr. Kashi Vishweshwar, Adv.
Ms. A. Sumathi, Adv.

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UPON hearing counsel the Court made the following
O R D E R

WRIT PETITION NO.577 OF 2004 With
W.P.(C) NO.615/2004, W.P.(C) NO.616/2004, W.P.(C) NO.620/2004,
W.P.(C) NO.637/2004, W.P.(C) NO.642/2004, W.P.(C) NO.669/2004,
W.P.(C) NO.682/2004, W.P.(C) NO.696/2004, W.P.(C) NO.05/2005,
W.P.(C) NO.53/2005, W.P.(C) NO.71/2005, W.P.(C) NO.177/2005,
W.P.(C) NO.196/2005 & W.P.(C) NO.198/2005.

The writ petitions are disposed of in terms of the signed
order.

Post rest of the writ petitions after two weeks.

Post the amendment application along with the main
matter.

(R.K. Dhawan)
AR-cum-PS

(Veera Verma)
Assistant Registrar

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION NO.577 OF 2004

SURESH C.H.

....APPELLANT

Versus

STATE OF KARNATAKA & ANR.

...RESPONDENTS.

WITH

W.P.(C) NO.615/2004, W.P.(C) NO.616/2004,W.P.(C) NO.620/2004,
W.P.(C) NO.637/2004, W.P.(C) NO.642/2004,W.P.(C) NO.669/2004,
W.P.(C) NO.682/2004, W.P.(C) NO.696/2004,W.P.(C) NO.05/2005,
W.P.(C) NO.53/2005, W.P.(C) NO.71/2005, W.P.(C) NO.177/2005,
W.P.(C) NO.196/2005 & W.P.(C) NO.198/2005,

O R D E R

This and the connected Writ Petitions have been filed under Article 32 of the Constitution of India, by in-service candidates working as Assistants/First Division Assistants in various departments of State since 1999, apprehended termination of their services, on account of wrong application of horizontal reservation for Women S.C./S.T., O.B.C. and Physically handicapped candidates. Various reliefs have been claimed by them.

Karnataka Public Service Commission had conducted selection for Assistants/First Division Assistants for being appointed in various departments. There was reservation in

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favour of SC/ST and other backward classes. There was also reservation of 30% for women candidates and 3% for handicapped persons. Pursuant to the selection, candidates were appointed in the year 1999, in various departments and ever since then, it is not disputed that they have been working on the said posts. In these writ petitions, it is alleged that the State of Karnataka has wrongly applied the reservation meant for women candidates. It is alleged that the principle of Horizontal reservation was not strictly adhered to. There was also an allegation that benefit for rural weightage was not strictly complied with. So the Department had to revise the list and to give certain directions for further appointments. Since all the

candidates have been working from 1999, we do not think it proper to disturb the candidates who have already been in service and to dislodge them at such a long distance of time.

Learned counsel for petitioner has placed strong reliance on a judgment of this Court in 2007 (8) SCC 785, Rajesh Kumar Daria vs. Rajasthan Public Service Commission and others. However, in view of the fact that present petitioners are not being terminated from service it is not necessary to enter into further merits thereof.

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Mr. Sanjay Hegde, learned counsel appearing for the State of Karnataka, submitted that no employee, who is in service would be terminated on the basis of wrong application of principle of reservation.

However, we may clarify that if any of the employee feels that his seniority in the respective department is not fixed properly, he would be at liberty to approach the Karnataka State Administrative Tribunal for appropriate relief which would be considered by it, on merits and in accordance with law.

The writ petitions are disposed of accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(DEEPAK VERMA)

.....J.
(Dr. B.S. CHAUHAN)

New Delhi
March 31, 2010.