

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 31ST JANUARY, 2017

BEFORE

THE HON'BLE MR. JUSTICE L.NARAYANA SWAMY

WRIT PETITION NO.75584/2013 (S-RES)

BETWEEN

SMT.HAMSAVENI N.
AGE 32 YEARS, R/O. QUARTERS NO. D-12,
KARNATAKA UNIVERSITY,
CAMPUS PAWATE NAGAR, DHARWAD

... PETITIONER

(BY SRI.B.S.KAMATE, ADVOCATE)

AND

1. THE KARNATAKA UNIVERSITY
DHARWAD, BY ITS REGISTRAR
DHARWAD-580 003 (KARNATAKA)
2. STATE OF KARNATAKA
BY ITS SECRETARY
EDUCATION DEPARTMENT (UNIVERSITIES)
M.S. BUILDING, BANGALORE-560001
3. THE GOVERNMENT OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF SOCIAL WELFARE
5TH FLOOR, M.S. BUILDING,
BANGALORE-560001
4. THE COMMISSIONER
DEPARTMENT OF SOCIAL WELFARE
5TH FLOOR, M.S. BUILDING,
BANGALORE-560001

5. THE MEMBER SECRETARY
SYNDICATE COMMITTEE
KARNATAKA UNIVERSITY
DHARWAD-580003

... RESPONDENTS

(BY SRI.M.S.HIREMATH, ADVOCATE FOR R1 & R5;
SRI.RAVI HOSAMANI, AGA FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT/ORDER DATED 15/01/2013 ISSUED BY THE 1st RESPONDENT UNIVERSITY PRODUCED AT ANNEXURE-L and to DIRECT THE RESPONDENT NO.1/UNIVERSITY TO CONSIDER THE PETITIONER AS AN ELIGIBLE CANDIDATE FOR THE PROOF READER POST CALLED FOR AND APPOINT HER IN THE SAID POST.

THIS WRIT PETITION COMING ON FOR HEARING ON INTERLOCUTORY APPLICATIONS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The learned counsel for the petitioner submits that the petitioner has applied for the post of Proof Reader. Respondent-Karnataka University issued a notification calling for the applications from the eligible candidates to the post notified, which was reserved to Scheduled Tribe. The petitioner who belong to Scheduled Caste made an application and her case was rejected on the ground that she is not eligible to make application, since the post is reserved for Scheduled Tribe. Hence, she filed this writ petition.

2. It is the case of the petitioner that when no eligible candidates are available for the post, which is reserved for a particular category for selection, the same may be extended for other available category. In support of the same, the learned counsel has placed reliance on the Government Order in No.SSE/41/SHM/98, Bangalore.

3. Learned counsel for the respondent University submits that the said notification is specifically made applicable to the posts namely Urdu and Arabic. The post notified for which the petitioner has applied is for the post of Proof Reader. Hence, the said notification is not applicable.

4. Heard the learned counsel appearing for the parties.

5. Vide Government Order dated 12.12.1986, it is mandatory that the post reserved in favour of SC/ST candidates shall not be utilised for others. Under the circumstance, the prayer made by the petitioner is for issuance of direction to the respondents to consider her

candidature cannot be considered. The writ petition stands rejected.

It is also made clear that when the post is reserved particularly for a Scheduled Caste or a Scheduled Tribe, as per the Government Order, it shall not be utilized for other categories.

**Sd/-
JUDGE**

Vnp*