

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF OCTOBER 2020

BEFORE

THE HON'BLE MR. JUSTICE NATARAJ RANGASWAMY

**WRIT PETITION NO.12064 OF 2020**

**BETWEEN:**

SHRI SOMANATH  
S/O GURAPPA,  
AGED ABOUT 42 YEARS,  
WORKING AS INTERNAL FINANCIAL ADVISOR,  
DEPARTMENT OF PUBLIC WORKS, PORTS AND  
INLAND WATER TRANSPORT,  
1, SESHADRI RD,  
SAMPANGI RAMA NAGARA,  
MAJESTIC,  
BENGALURU-560 042.

... PETITIONER

[BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE  
(THROUGH VC)]

**AND:**

1. UNION OF INDIA  
REPRESENTED BY ITS SECRETARY TO  
THE DEPARTMENT OF PERSONNEL AND TRAINING,  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &  
PENSIONS, NORTH BLOCK, CENTRAL SECRETARIAT,  
SARDAR PATEL BHAVAN,  
PARLIAMENT STREET, SANSAD MARG,  
NEW DELHI-110 001.

2. UNION PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY,  
DHOLPUR HOUSE,  
SHAHJAHAN ROAD,  
NEW DELHI-110 069.
3. THE SELECTION COMMITTEE  
CONSTITUTED UNDER THE INDIAN  
ADMINISTRATIVE SERVICE,  
(APPOINTMENT BY PROMOTION) REGULATIONS, 1955  
REPRESENTED BY THE CHAIRMAN OF THE  
UNION PUBLIC SERVICE COMMISSION,  
DHOLPUR HOUSE,  
SHAHJAHAN ROAD,  
NEW DELHI-110 069.
4. STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY,  
GOVERNMENT OF KARNATAKA,  
VIDHANASOUDHA,  
BENGALURU-560 001.
5. PRINCIPAL SECRETARY,  
DEPARTMENT OF PERSONNEL AND  
ADMINISTRATIVE REFORMS,  
GOVERNMENT OF KARNATAKA,  
VIDHANASOUDHA,  
BENGALURU-560 001.
6. THE SECRETARY  
BUDGET AND RESOURCES  
FINANCE DEPARTMENT,  
VIDHANA SOUDHA,  
BENGALURU-560 001.
7. PRINCIPAL DIRECTOR  
KARNATAKA STATE ACCOUNTS AND AUDIT  
DEPARTMENT,  
NGO COLONY,

WILSON GARDEN,  
BENGALURU-560 027.

... RESPONDENTS

[BY SRI. C. N. MAHADESHWARAN, AGA FOR R4, R5 & R6]

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING DIRECT THE R-4 AND 5 TO CONSIDER HIS APPLICATION DTD. 27.07.2017 VIDE ANNEX-D FOR CONSIDERATION FOR SELECTION TO IAS CADRE AND THEREBY INCLUDE THE NAME OF PETITIONER IN THE LIST OF INTERVIEW SCHEDULED ON 3.11.2020 FOR SELECTION TO THE INDIAN ADMINISTRATIVE SERVICE (HEREINAFTER REFERRED TO AS IAS) AGAINST 3 VACANCIES WHICH ARE AVAILABLE TO KARNATAKA NON STATE CIVIL SERVICE (HEREINAFTER REFERRED TO AS NON SCS) OFFICERS IN THE YEAR 2016 IN ACCORDANCE WITH THE INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY SELECTION) REGULATIONS 1997 AND ETC.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT THROUGH VIDEO CONFERENCE THE COURT MADE THE FOLLOWING:

### **ORDER**

The petitioner claims to be an officer employed with respondent No.7 as a Joint Controller State Audit and Accounts Department. He contends that the Central Government in terms of its Notification dated 10.02.2017 (Annexure-B) had identified 3 (three) vacancies of IAS Officers to be filled by Non-SCS employees in terms of the 1997 Regulations and

requested the State Government to take further action in terms of the provisions contained in the aforesaid Regulations. The respondent No.4 in terms of its office note dated 06.05.2017 invited proposals from various Administrative Departments in the State of Karnataka for recommending suitable candidates of outstanding merit for selection as IAS Officers. Pursuant to such Notification, the petitioner also submitted his candidature along with necessary documents. The representation of the petitioner was forwarded by the respondent No.7 to the respondent No.6. It is reiterated that the petitioner has all the qualification for selection as an IAS Officer in the Non-State Civil Service category as per the 1997 Regulations. The respondent Nos.4 and 5 considered the names of various Non-SCS Officers for short listing for preparation of the selection list and recommended the name of 15 Officers. Of the aforesaid 15, three persons had withdrawn their request. Thus, there were only 12 candidates in the fray. The petitioner

contends that as per the Regulations of 1997, the State Government has to forward 5 candidates for each vacancy available. Therefore, the petitioner contends that 15 candidates ought to have been nominated by the Government and only 12 candidates were recommended. In that view of the matter, the petitioner submits that his candidature should also be considered for nomination in accordance with 1997 Regulations. The petitioner therefore seeks for a writ in the nature of mandamus to consider his application dated 27.07.2017 (Annexure-D) and before the interview is conducted on 03.11.2020.

In that view of the matter, the respondent No.4 is directed to consider the representation of the petitioner dated 27.07.2017 as expeditiously as possible and preferably before 03.11.2020. Office is directed to deliver a carbon copy of the order to the Government

Advocate to communicate the same to the respondent

No.4, forthwith. Writ petition stands ***disposed of***.

Sd/-  
**JUDGE**

RB