



CNR: KAHC010000562025

NC: 2026:KHC:55400-DB  
WP No. 126 of 2025  
C/W WP No. 5483 of 2025  
WP No. 5701 of 2025  
AND 5 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 6<sup>TH</sup> DAY OF OCTOBER, 2026

R

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 126 OF 2025 (S-KSAT)

C/W

WRIT PETITION NO. 5483 OF 2025 (S-KSAT)

WRIT PETITION NO. 5701 OF 2025 (S-KSAT)

WRIT PETITION NO. 16415 OF 2025 (S-KSAT)

WRIT PETITION NO. 25888 OF 2025 (S-KSAT)

WRIT PETITION NO. 27642 OF 2025 (S-KSAT)

WRIT PETITION NO. 4958 OF 2026 (S-KSAT)

WRIT PETITION NO. 21767 OF 2026 (S-KSAT)

IN WP NO. 126 OF 2025:

BETWEEN:

Digitally signed by  
JUANITA  
THE ESWINI  
Location: HIGH  
COURT OF  
KARNATAKA

THE STATE OF KARNATAKA  
REP BY COMMISSIONER,  
TRANSPORT AND ROAD SAFETY,  
DEPARTMENT OF TRANSPORT,  
SHANTHINAGARA,  
BENGALURU 560 027.

...PETITIONER

(BY SRI. REUBEN JACOB., AAG A/W SRI. K.R.RAJENDRA., AGA)

AND:

- 1 SRI SRINIVASA B N  
AGED ABOUT 36 YEARS,



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S/O NARAYANAPPA,  
BOODHAGADDAPPALLI,  
POLANAYAKANAHALLI,  
BAGEPALLI,  
CHIKKABALLAPURA 563159.

2 . THE SECRETARY  
KARNATAKA PUBLIC SERVICE  
COMMISSION,  
UDYOGA SOUDHA,  
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. NITIN RAMESH., ADVOCATE FOR R1  
SRI. A.N. GUNA RANJAN., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &  
227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR  
RECORDS AND ISSUE A WRIT IN THE NATURE OF CERTIORARI  
QUASHING THE ORDER PASSED BY THE HONBLE KSAT IN  
A.No-1781/2024 DATED 30.10.2024 PRODUCED AT  
ANNEXURE-H TO THE WP AND ETC.,

**IN WP NO. 5483 OF 2025:**

**BETWEEN:**

SMT JULIET CHRISTINE A  
W/O SRI. SURAJ I  
AGED ABOUT 42 YEARS,  
R/AT NO.1952, 1 FLOOR  
14<sup>TH</sup> MAIN ROAD,  
VIJAYANAGAR 2<sup>ND</sup> STAGE,  
MYSORE- 570 017.

...PETITIONER

(BY SRI. NITIN RAMESH., ADVOCATE &  
SRI. RAGHUPATHI M J., ADVOCATE)



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**AND:**

- 1 . THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF TRANSPORT,  
DEPARTMENT, M.S BUILDING,  
BANGALORE - 560 001.
- 2 . COMMISSIONER,  
DEPARTMENT OF TRANSPORT,  
BMTc COMPLEX, 1<sup>ST</sup> FLOOR,  
K.H ROAD, SHANTHI NAGAR,  
BENGALURU-560027.
- 3 . THE KARNATAKA PUBLIC SERVICE COMMISSION  
REP. BY ITS SECRETARY,  
UDYOG SOUDHA,  
BENGALURU- 560 001.

....RESPONDENTS

(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1 & R2  
SMT. SINCHANA M.R., ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF  
CERTIORARI OR ORDER OR DIRECTION OR ANY APPROPRIATE  
WRIT SETTING ASIDE THE ORDER DATED 06/11/2024 PASSED  
IN APPLICATION NO.2863/2024 ANNEXURE-A PASSED BY THE  
HON'BLE TRIBUNAL AND ALSO SET ASIDE THE ENDORSEMENT  
NO SA AA/SIBBANDHI-04/VYVA.122/2003-04 DATED  
13/01/2025 ANNEXURE-H ISSUED BY THE 2<sup>ND</sup> RESPONDENT  
AND ETC.,

**IN WP NO. 5701 OF 2025:**

**BETWEEN:**

SRI. AZEEZ IMRAN SHARIF  
S/O UMAR SHARIF,



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AGED ABOUT 37 YEARS,  
R/AT D.NO. 149/1, 2<sup>ND</sup> CROSS,  
NEHRU NAGAR, NEAR MILLATH COLLEGE,  
CHTRADURGA-577501.

...PETITIONER

(BY SRI. NITIN RAMESH., ADVOCATE &  
SRI. RAGHUPATHI M J., ADVOCATE)

**AND:**

- 1 . THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY,  
TRANSPORT DEPARTMENT,  
M. S. BUILDING,  
BANGALORE- 560001.
- 2 . THE COMMISSIONER,  
TRANSPORT DEPARTMENT,  
B M T C COMPLEX, 1<sup>ST</sup> FLOOR,  
K H ROAD, SHANTHINAGAR,  
BANGALORE- 560027.
- 3 . THE KARNATAKA PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY,  
UDYOG SOUDHA,  
BANGALORE- 560001.

...RESPONDENTS

(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1 & R2  
SMT. SINCHANA M.R., ADVOCATE FOR R3)

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CERTIORARI OR ORDER OR DIRECTION OR ANY APPROPRIATE  
WRIT SETTING ASIDE THE ORDER DATED 06.11.2024 PASSED  
IN A.No-1466/2024 ANNEXURE-A PASSED BY THE HONBLE  
TRIBUNAL AND ALSO SET ASIDE THE ENDORSEMENT No.Sa



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aa/sibbandhi-04/vyva.122/2003-04 DATED 13.01.2025  
ANNEXURE-H ISSUED BY THE 2ND RESPONDENT AND ETC.,

**IN WP NO. 16415 OF 2025**

**BETWEEN**

SRI. G ANAND  
S/O. T.K. GOPAL,  
AGED ABOUT 45 YEARS,  
R/A NO. 8/2, 1<sup>ST</sup> CROSS,  
ABHAIHA GARDEN, VANNARPET,  
VIVEKRAGAR,  
BANGALORE 560 047  
PH NO. 91 9448808190  
EMAIL anandg22280@gmail.com

...PETITIONER

(BY SRI. PRITHVEESH M K., ADVOCATE)

**AND**

1 . THE COMMISSIONER  
DEPARTMENT OF TRANSPORT,  
GOVERNMENT OF KARNATAKA,  
1<sup>ST</sup> FLOOR, BMTC BUILDING,  
K. H. ROAD, SHANTHINAGAR,  
BENGALURU - 560 027.

2 . THE KARNATAKA PUBLIC  
SERVICE COMMISSION,  
REP. BY ITS SECRETARY,  
'UDYOGA SOUDHA'  
BENGALURU - 560 001.

.....RESPONDENTS

(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1  
SRI. MOHAMMED SHAMIL, ADVOCATE FOR R2)



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THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 07.05.2025 PASSED IN APPLICATION No.1773/2024 BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-A) AND ETC.,

**IN WP NO. 25888 OF 2025**

**BETWEEN**

SRI. RAJASHEKARA N M  
S/O LATE SANGAIAH N.M,  
AGED ABOUT 40 YEARS,  
R/A NO. 130, BEHIND URAMMA TEMPLE,  
K.T.ROAD, LAXMIPURA,  
SANDUR TALUK, BELLARY 583119  
PH NO. 91 8660853703  
EMAIL RAJASHEDARNM@GMAIL.COM

...PETITIONER

(BY SRI. PRITHVEESH M K., ADVOCATE)

**AND**

- 1 . THE COMMISSIONER  
DEPARTMENT OF TRANSPORT,  
GOVERNMENT OF KARNATAKA  
1<sup>ST</sup> FLOOR, BMTc BUILDING,  
K.H.ROAD, SHANTHINAGAR,  
BENGALURU 560027.
- 2 . THE KARNATAKA PUBLIC  
SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY  
UDYOGA SOUDHA  
BENGALURU 560001.

...RESPONDENTS

(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1



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SRI. MOHAMMED SHAMIL, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 07.05.2025 PASSED IN APPLICATION NO. 3837/2024 BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-A) AND ETC.,

**IN WP NO. 27642 OF 2025**

**BETWEEN**

SRI. YELLAPPA M  
S/O MAHALINGAPPA,  
AGED ABOUT 42 YEARS,  
R/A NO.18, K GOLLAHALLI,  
BENGLAURU SOUTH TALUK,  
KENGRI  
BENGALURU - 560060  
PH. NO. 91 9663856692  
EMAIL. yellappa2022m@gmail.com

...PETITIONER

(BY SRI. PRITHVEESH M K., ADVOCATE)

**AND**

1 . THE COMMISSIONER  
DEPARTMENT OF TRANSPORT,  
GOVERNMENT OF KARNATAKA  
1<sup>ST</sup> FLOOR, BMTC BUILDING  
K.H.ROAD, SHANTHINAGAR  
BENGALURU - 560027.

2 . THE KARNATAKA PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY  
UDYOGA SOUDHA  
BENGALURU - 560001.

....RESPONDENTS



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(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1  
SRI. MOHAMMED SHAMIL., ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS  
PERTAINING TO THE IMPUGNED ORDER DATED 07/05/2025  
PASSED IN APPLICATION NO.1783/2024 BY THE HON'BLE  
KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-  
A) AND ETC.,

**IN WP NO. 4958 OF 2026**

**BETWEEN**

GANGADHAR C MALAGAR  
S/O. CHANABASAPPA G MALAGAR,  
AGED ABOUT 33 YEARS,  
R/A NO. POST KOLUR, TALUK BILAGI,  
BAGALKOT, KARNATAKA-587301.

...PETITIONER

(BY SRI. UDAYA HOLLA., SR. COUNSEL A/W  
SRI. DR. M. SUNIL SHASTRY., ADVOCATE)

**AND**

- 1 . THE COMMISSIONER,  
DEPARTMENT OF TRANSPORT,  
GOVERNMENT OF KARNATAKA,  
1<sup>ST</sup> FLOOR, BMTC BUILDING,  
K. H. ROAD, SHANTHINAGAR,  
BENGALURU - 560 027.
- 2 . THE KARNATAKA PUBLIC  
SERVICE COMMISSION,  
REPRESENTED BY ITS SECRETARY,  
UDYOGA SOUDHA  
BENGALURU - 560 001.

...RESPONDENTS



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(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1  
SRI. N.C.SRINIVASA., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 30/06/2025 PASSED IN APPLICATION NO.3132/2024 BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-A) AND ETC.,

**IN WP NO. 21767 OF 2026**

**BETWEEN**

SRI.GURUPRASAD B  
S/O. BOMMAIAH H.,  
AGED ABOUT 47 YEARS,  
RESIDING OPPOSITE TO BSNL OFFICE,  
B. RACHAIAH DOUBLE ROAD,  
RAMASAMUDRA,  
CHAMARAJANAGARA 571 342.

...PETITIONER

(BY SRI. PRITHVEESH M K., ADVOCATE)

**AND**

- 1 . THE COMMISSIONER  
DEPARTMENT OF TRANSPORT,  
GOVERNMENT OF KARNATAKA,  
1<sup>ST</sup> FLOOR, BMTc BUILDING,  
K. H. ROAD, SHANTHINAGAR,  
BENGALURU 560 027.
- 2 . THE KARNATAKA PUBLIC SERVICE COMMISSION,  
REPRESENTED BY ITS SECRETARY,  
'UDYOGA SOUDHA'  
BENGALURU 560 001.

...RESPONDENTS



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(BY SRI. REUBEN JACOB., AAG A/W  
SRI. K.R.RAJENDRA., AGA., ADVOCATE FOR R1  
SRI. H.SUNIL KUMAR., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE IMPUGNED ORDER DATED 30/10/2024 PASSED IN APPLICATION NO.1785/2024 AS WELL AS THE IMPUGNED ORDER DATED 31/03/2026 IN REVIEW APPLICATION NO.5/2025 BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL (ANNEXURE-A AND B RESPECTIVELY) AND ETC.,

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON 31.08.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THIS COURT MADE THE FOLLOWING:

**CORAM:** HON'BLE MR JUSTICE R DEVDAS  
AND  
HON'BLE DR. JUSTICE K.MANMADHA RAO

**CAV ORDER**

**(PER: HON'BLE MR JUSTICE R DEVDAS)**

In these batch of writ petitions, the State of Karnataka along with the Commissioner for Transport have filed a writ petition in W.P.No.126/2024 being aggrieved of the impugned order passed by the Karnataka State Administrative Tribunal (hereinafter referred to as



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'KSAT' for short) dated 30.10.2024 in Application No.1781/2024; and whereas the other writ petitions are filed by aspirants/applicants being aggrieved of the rejection of their applications filed before the KSAT. Matter pertains to the recruitment of Motor Vehicle Inspectors which commenced under notification dated 04.02.2016, for filling up 150 posts of Motor Vehicle Inspectors in the Transport Department.

2. Earlier writ petitions came up before this Court in W.P.No.6774/2020 and connected matters, in the case of **SRI LOKESH V.R. AND OTHERS VS. THE STATE OF KARNATAKA AND OTHERS<sup>1</sup>**, where the issue was whether the prescription of '**work experience of at least one year in a reputed automobile workshop which undertakes repairs of both Light Motor vehicles, Heavy Goods Vehicles and Heavy Passenger Vehicles fitted with petrol and diesel**

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<sup>1</sup> W.P.No.6774/2020 dated 25.08.2021, Principal Bench, High Court of Karnataka



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**engine'** which were later deleted by way of amendment to Section 213(4) of the Motor Vehicles Act, 1988 followed by notification dated 08.03.2019 issued by the Ministry of Road Transport and Highways, Government of India, should be made applicable to the recruitment process which had commenced earlier on 04.02.2016? This Court disposed of the batch of writ petitions in W.P.No.6774/2020 in the case of Sri Lokesh V.R. And Others on 25.08.2021, setting aside the judgment of the KSAT in Application Nos.4161/2019 and 4162/2019 with a direction to the Karnataka Public Service Commission (for short 'KPSC') to consider the experience certificates produced by the candidates having regard to the Affidavit dated 02.02.2021 filed by the Secretary, KPSC and proceed with the recruitment process in accordance with the recruitment notification dated 04.02.2016 and in accordance with law. This Court had held that since the recruitment process had commenced on 04.02.2016 and the amendment to Section 213(4) of the Act, 1988, along



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with the notification doing away with the prescription of work experience of one year being issued on 08.03.2019, the same cannot be operated retrospectively. However, it was directed that the KPSC shall accept the certificates furnished by the candidates for completion of the selection process based on the marks obtained or merit of the candidates for appointment and such acceptance of the certificates would be subject to verification and same being in conformity with Cadre and Recruitment Rules, 2013 (hereinafter referred to as the 'C & R Rules' for short).

3. In compliance with the directions issued by this Court, the KPSC issued Revised Final Selection List dated 26.10.2023. Further, as directed by this Court, the experience certificates of the candidates whose names figured in the revised final selection list were forwarded to the respective Deputy Commissioners of the Districts, for verification. Candidates who were not issued appointment orders once again approached the KSAT,



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seeking directions to the KPSC and the Commissioner, Department of Transport, to issue appointment orders.

4. The KSAT in Application No.1781/2024 in the case of Srinivasa B.N. (in W.P.No.126/2025) held that the applicant Srinivasa B.N. had the aggregate experience of one year, as per the prescription. It was held that the C & R Rules, do not mention that the experience should be individually for each type of vehicle, for one year. It was held that if the aggregate of experience from two automobile garages/workshops satisfies the requirement of one year, then the candidate is eligible for appointment. On the contrary, it is the contention of the learned Additional Advocate General Sri Reuben Jacob, appearing for the State of Karnataka and the Commissioner, that such experience certificates do not meet the requirements of the Rules.

5. In the other writ petitions filed by the candidates, the petitioners are aggrieved of the rejection of their



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applications mainly on the ground that the report of the concerned Deputy Commissioners of the District are that the certificates are not genuine. The reasons for rejection broadly are –

- i) Class of vehicles are not mentioned in the certificate.
- ii) The certificate does not meet the requirement of the Rules.
- iii) A particular class of vehicle is not mentioned.
- iv) Physical verification of the garage/workshop does not disclose existence of supporting documents.
- v) Shortage of experience in a particular category of vehicle.

6. Insofar as, the requirement of having experience in repairs of Heavy Passenger Vehicle and Heavy Goods Vehicle (for short HPVs and HGVs) with petrol engines are concerned, the learned AAG has fairly conceded that in that class of vehicles, there are no petrol engines for the



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past many decades. Therefore, the experience certificate issued by KSRTC, BMTC and such other State Corporations and undertakings indicating HPVs and HGVs with petrol engine are clearly false and unacceptable. Similarly, certificates issued by private entities not indicating HPVs and HGVs with petrol engines, should be accepted as genuine and fair.

7. However, the learned AAG has vehemently contended that the prescription, in terms of the Rules clearly requires experience of one year in every category/class of vehicles. It is contended that if relaxation is given in that regard, the claim for relaxation becomes endless and it is not possible to draw a line. It is contended that a candidate may have more than one year's experience in all categories, except, say Light Motor Vehicle (Petrol). He/she may have experience of six months in that category or class of vehicles; another may have eight months experience in a particular category or class of vehicles; another may have shortage



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of one month or two months in a particular category or class of vehicles. The authority has no discretion in accepting or relaxing the conditions. On the other hand, if the authority has understood the provision of the Rules in a particular way and has applied the same uniformly, then no fault can be found with the recruitment authority. It is contended that the KPSC and the Commissioner have understood the provisions of the Rules, that a candidate should have experience of one year in all class of vehicles. In this regard, learned AAG has drawn the attention of this Court to a decision of a co-ordinate Bench of the High Court of Madras, in the case of ***R.Vijayaraj And Others, Vs. D.Gautham And Others***<sup>2</sup>, where it is held that a strict adherence to the existing statutory provision is, therefore, the law laid down by the Supreme Court. The reduction of or addition to any such requirement in the rules can be done by the rule-making authority alone and in the absence of any amendment, there can be no

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<sup>2</sup> 2020 SCC OnLine Mad 29057



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justification for virtually reading down a rule in order to make it convenient for a certain class of candidates who are unable to provide the work experience certificate as prescribed.

8. Per contra, it has been contended on behalf of the candidates that the requirement of the rules regarding work experience does not specify that the candidate has to possess a minimum of one year's experience in each category/class of vehicles. The KSAT is therefore right in concluding that the Rules do not prescribe a minimum of one year's experience in each category/class of vehicles. It is sufficient if the combined experience in all categories is one year and more. In this regard, reliance is placed on a decision of a Constitutional Bench of the Hon'ble Supreme Court of India, in the case of ***Rejanish K V Vs. K. Deepa And Others***<sup>3</sup>, where it is held that the object of any process of selection for entry into a public service should be to secure the best and most suitable person for

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<sup>3</sup> (2026) 4 SCC 513



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the job. That was a case pertaining to selection to the post of District Judges. It was held in paragraph No.159 as follows:

**"159.** *In that respect, we are of the considered view that for bringing the advocates and the in-service candidates at the same level, it will be appropriate that the rules provide that an in-service candidate should be eligible for recruitment to the post of District Judge directly only if he has a combined experience of seven years as an advocate and a judicial officer. Similarly, if an advocate is participating in the selection process and he was a member of judicial service in the past, then his experience as a judicial officer also cannot be ignored. His experience as an advocate prior to joining judicial service, his experience as a judicial officer and his experience as an advocate after leaving the judicial service will all have to be taken together. Such a candidate will be eligible only if he has a combined experience as an advocate and as a judicial officer for seven years."*



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9. Heard learned Additional Advocate General Sri.Rueben Jacob and Sri K.R.Rajendra, learned AGA for the respondent-State of Karnataka and the Commissioner, Transport Department, learned Senior Counsel Sri Udaya Holla for Dr.M.Sunil Shastry, Sri.Nitin Ramesh, Sri Raghupathi M.J. and Sri Prithveesh M.K., learned Counsels appearing for the candidates, Sri A.N.Guna Ranjan, Sri Mohammed Shamil, Smt.Sinchana M.R, Sri N.C.Srinivasa and Sri H.Sunil Kumar, learned Counsels for the KPSC, and perused the petition papers.

10. The crux of the matter is whether the KSAT is right in concluding that if the aggregate of experience from two or more automobile garages/workshops satisfies the requirement of one year, then the candidate is eligible for appointment? The relevant provision reads as follows:

***'work experience of at least one year in a reputed automobile workshop which***



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***undertakes repairs of both Light Motor vehicles, Heavy Goods Vehicles and Heavy Passenger Vehicles fitted with petrol and diesel engine.'***

11. A plain reading of the provision makes it clear that there is ambiguity in prescribing the requisite experience. There can be different interpretations of the provision and surely the provision cannot be read to mean that a candidate must possess work experience of at least one year in all the three types of vehicles – LMV, HGV and HPV, fitted with petrol and diesel engine. It is also not disputed by the learned AAG that if a candidate has worked in a particular garage/workshop which undertakes repairs of all the types of vehicles prescribed therein, for more than one year, then it meets the requirement. No further questions are asked as to whether the candidate has dealt with all the three types of vehicles, everyday, for a minimum of one year. That being the admitted position, it would be beneficial to notice the ruling of the Hon'ble Supreme Court in the case of **Parvaiz Ahmad**



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***Parry Vs. State of Jammu and Kashmir and Others<sup>4</sup>,***

where it was held, in paragraph No.15 as follows:

*"15. In our considered view, firstly, if there was any ambiguity or vagueness noticed in prescribing the qualification in the advertisement, then it should have been clarified by the authority concerned in the advertisement itself. Secondly, if it was not clarified, then benefit should have been given to the candidate rather than to the respondents. Thirdly, even assuming that there was no ambiguity or/and any vagueness yet we find that the appellant was admittedly having BSc degree with Forestry as one of the major subjects in his graduation and further he was also having Master's degree in Forestry i.e. MSc (Forestry). In the light of these facts, we are of the view that the appellant was possessed of the prescribed qualification to apply for the post in question and his application could not have been rejected treating him to be an ineligible candidate for not possessing prescribed qualification."*

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<sup>4</sup> (2015) 17 SCC 709



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12. Therefore, when there is ambiguity or vagueness in the relevant provision, in prescribing the qualification, then the benefit should be given to the candidates instead of rejecting their candidature. In that view of the matter, the decision of the KSAT in concluding that the aggregate or the combined experience of the candidates acquired in various workshops/garages which dealt with all the three types of vehicles, should be sufficient to meet the requirement of the provision and the Rules, is upheld. The issue is accordingly answered.

13. The other question that arises for consideration is whether the KSAT is right in accepting the contention of the KPSC and the Commissioner, Transport Department, and declining to appoint the selected candidates on the ground that their experience certificates disclose that they do not have the experience of working on HGVs and HPVs having petrol engines?



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14. In this regard, this Court would also not hesitate to observe that the acceptance of certificates issued by KSRTC, BMTC and the other State owned Transport Corporations indicating that the candidate has experience in repairs of HGV and HPV petrol vehicles, at the hands of the KPSC/Commissioner of the Transport Department is clearly unreasonable, knowing fully well that for the past several decades there are no petrol vehicles in the category of HGV and HPV in India, the statement made in such certificates issued by the State owned Corporations are a blatant lie. The Ministry of Road Transport and Highways, Government of India, has therefore, rightly deleted the said provision, having noticed the anomaly.

15. When the authorities are faced with such poignant situations, where the law prescribes a standard that is impossible to meet and the authorities also know for sure that meeting the standard is impossible, Courts cannot express helplessness. A larger Bench of the Apex Court consisting of seven Judges, in the case of ***In Re***



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***Presidential Poll***<sup>5</sup> has held that the impossibility does not rob the provision of its mandatory character. It was held “the maxim of law *impotentia excusat legem* is intimately connected with another maxim of law *lex non cogit ad impossibilia*. *Impotentia excusat legem* is that when there is a necessary or invincible disability to perform the mandatory part of the law that *impotentia* excuses. The law does not compel one to do that which one cannot possibly perform. “Where the law creates a duty or charge, and the party is disabled to perform it, without any default in him, and has no remedy over it, there the law will in general excuse him.” Therefore, when it appears that the performance of the formalities prescribed by a statute has been rendered impossible by circumstances over which the persons interested had no control, like the act of God, the circumstances will be taken as a valid excuse. Where the act of God prevents the compliance of the words of a statute, the statutory provision is not

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<sup>5</sup> (1974) 2 SCC 33



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denuded of its mandatory character because of supervening impossibility caused by the act of God (See Broom's *Legal Maxims* 10<sup>th</sup> Edn. at pp. 162-163 and *Craies on Statute Law* 6<sup>th</sup> Edn. at p. 268)."

16. Therefore, the action of the KPSC and the Commissioner, Transport Department, in blindly accepting the certificates issued by the State owned Transport Corporations, knowing fully well that they do not maintain or repair HPVs and HGVs having petrol engines and on the other hand, declining the candidature of many others whose certificates reveal the truth that they have not dealt with such vehicles, is nothing but travesty of justice. The Commissioner, Transport Department, shall not be permitted to reject the candidature of any selected candidate or decline to issue appointment order on the ground that he/she does not have the experience in HGV or HPV petrol vehicles.



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17. Coming to the writ petitions filed by the candidates, whose candidatures have been rejected or appointment orders have not been issued, having regard to the adverse report of the respective Deputy Commissioners, this Court is of the considered opinion that the case of such candidates have to be reconsidered in the light of the observations and findings of this Court hereinabove.

18. In W.P.No.4958/2026, learned Senior Counsel Sri Udaya Holla, has submitted and it is recorded in the order dated 31.08.2026 that the place where the petitioner worked i.e., Patil Trucks Pvt. Ltd., Bijapur, did not have Light Motor Vehicles in petrol category, nevertheless, attention of this Court was drawn to the checklist where at Sl.No.8(A) the inspection team has given a green signal saying that the concern was dealing with all types of vehicles in terms of the recruitment notification.



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19. This Court is therefore of the considered opinion that in all such cases, the Commissioner, Department of Transport, should reconsider the candidature of such candidates and proceed to issue appointment orders, if on an aggregate, it is found that the workshops/garages where the candidate has worked, have dealt with all the three types of vehicles and the combined experience is more than one year. Similarly, appointment orders shall be issued to all such candidates who fulfill all the other requirements except the experience in HGVs, HPVs with petrol engines.

20. There are also some cases where appointment orders are not issued on the ground that the physical verification of the garage/workshop does not disclose existence of supporting documents. On 29.09.2026, this Court has dealt with a similar matter in W.P.No.1232/2025, where directions were earlier issued to the concerned Deputy Commissioner to revisit the garage/workshop and ascertain the true facts. On re-



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verification, the Deputy Commissioner and his team have submitted a fresh report. Accordingly, the writ petition was disposed of with a direction to the Commissioner, Transport Department, to reconsider the fresh report and proceed in accordance with law. Therefore, in all such cases which require fresh verification, the concerned Deputy Commissioners should revisit the garage/workshop, ascertain the true facts and submit fresh reports to the Commissioner. The Commissioner is thereafter required to reconsider the cases of such candidates.

21. Consequently, this Court proceeds to pass the following

**ORDER**

- i) W.P.No.126/2025 filed by the State of Karnataka, Commissioner, Transport Department, is ***dismissed***.



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- ii) W.P.No.5483/2025, W.P.No.5701/2025, W.P.No.16415/2025, W.P.No.27642/2025, W.P.No.4958/2026 and W.P.No.21767/2026 are **allowed**. These are cases where the candidatures are rejected on the ground of not having experience in HGVs and HPVs with petrol engines. The impugned orders passed by the Karnataka State Administrative Tribunal in Applications No.2863/2024, 1466/2024, 1773/2024, 1783/2024, 3132/2024 and 1785/2024 are hereby quashed and set aside.
- iii) If the names of such candidates are found in the Revised Final Select List dated 26.10.2023, then the Commissioner, Transport Department, shall issue appointment orders to such candidates. Such candidates shall be entitled for all benefits, including seniority on par with the candidates who were appointed pursuant to the Revised Final Select List dated 26.10.2023, in accordance with law.
- iv) W.P.No.25888/2025 is **allowed**. The impugned orders passed by the Karnataka



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State Administrative Tribunal in Application No.3837/2024 is hereby quashed and set aside. Since the candidate has more than a year's experience in all the three types of vehicles, even according to the report of the Deputy Commissioner and since his name is found in the Revised Final Select List dated 26.10.2023, the Commissioner, Transport Department shall proceed to issue appointment order to the candidate.

- v) The appointment orders shall be issued as expeditiously as possible and at any rate within a period of two months from the date of receipt of a certified copy of this order.

Accordingly, all pending I.As, stand disposed of.

**Sd/-  
(R DEVDAS)  
JUDGE**

**Sd/-  
(DR.K.MANMADHA RAO)  
JUDGE**

DL/JT  
CT:JL