



WP No. 102109 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 07TH DAY OF JULY, 2022

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR JUSTICE P.KRISHNA BHAT

WRIT PETITION NO. 102109 OF 2022 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA REP BY ITS SECR SOCIAL WELFARE DEPT 5TH FLOOR M S BUILD BENGALURU
THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY SOCIAL WELFARE DEPRTMENT 5TH FLOOR M S BUILDING BENGALURU
2. THE COMMISSIONER SOCIAL WELFARE DEPARTMENT 5TH FLOOR M S BUILDING BENGALURU
THE COMMISSIONER SOCIAL WELFARE DEPARTMENT 5TH FLOOR M S BUILDING BENGALURU
3. THE DC, PRSIDENT DIST LEVEL SOCIAL WELFARE SHIVAMOGGA
THE DISTRICT COMMISSIONER PRSIDENT DISTRICT LEVEL SOCIAL WELFARE
4. THE DEPUTY DIRECTOR SOCIAL WELFARE DEPARTMENT SHIVAMOGA DIST SHIVAMOGGA
THE DEPUTY DIRECTOR SOCIAL WELFARE DEPARTMENT SHIVAMOGA DIST SHIVAMOGGA

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, GOVT ADV.)

AND:

1. BASAVARAJ. YARADEMMI



WP No. 102109 of 2022

2. KIRAN S K

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI TO QUASH THE ORDER DATED 25.10.2021 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BELAGAVI IN APPLICATION NO.7288/2017 (ANNEXURE-B TO THE WRIT PETITION) IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR *PRELIMINARY HEARING* THIS DAY, **KRISHNA S DIXIT J.**, MADE THE FOLLOWING.

ORDER

Writ Petitioners being Government and its Officers are knocking at the doors of Writ Court for assailing the Order dated 25.10.2021 made by the Karnataka State Administrative Tribunal, Belagavi, whereby the private respondent's Application No.7228/2017 has been allowed granting the following reliefs:

"Respondents are directed to issue appointment order to the applicant as Kitchen Assistant against the post ear-marked for PDP category.

The appointment of the applicant will be from the date he joins in the post."



WP No. 102109 of 2022

2. Having heard the learned Government Advocate appearing for the petitioners and perused the petition papers, we decline to grant indulgence in the matter in the admitted position that the job Application was filed in time, although Certificate evidencing the cooking experience was produced thereafter; in a society of like ours, procurement of documents from the concerned authorities poses some difficulty to the job aspirants; what prejudice would be caused to the public interest should the qualification certificates produced bit later are accepted, is not forthcoming, despite strenuous argument of learned GA. Ordinarily, production of documents which need to be procured from other agency, would take some time and prescription of period for their production cannot be treated as mandatory. This view gains support from a decision of Hon'ble Apex Court in ***Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board and Another, (2016) 4 SCC 754***, relied upon by the Tribunal.



WP No. 102109 of 2022

3. Yet another reason that dissuades us from granting indulgence is that the applicant is a Project Displaced Person and therefore, some leniency needs to be taken to persons of the kind; the Courts have observed in matters like this, that the Government being the model employer has to be a bit lenient, unless culpability on the part of the job aspirants causes prejudice to the public interest, which is not the case here. Added, the impugned order was made by the Tribunal on 25.10.2021 prescribing a period of three months for issuance of appointment letter. However, this writ petition has been filed only on 22.04.2022, thus, brooking enormous delay & latches that have not been plausibly explained in the pleadings; it has long been said that the Writ Courts do not come to the aid of sleepy & tardy, even when the petitioner happens to be the Government and its Officers. What applies to goose applies to gander. In a Welfare State, the Govt. as a litigant is ordinarily governed by the same norms that



WP No. 102109 of 2022

govern the commoners. Thus, justice of the case warrants petition is being rejected than being granted.

In the above circumstances, writ petition being devoid of merits is liable to be rejected in limine and accordingly, it is. The petitioners-Government and its Officers are directed to give effect to the Order of the Tribunal within a period of six weeks from this day.

Registry is directed to send a copy of this Order to Mr. Basavaraj Yaradenmi by Speed-post.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

JTR