



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 15<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**BEFORE**

**THE HON'BLE MR. JUSTICE E.S.INDIRESH**

**WRIT PETITION NO.202397 OF 2022 (S-RES)**

**BETWEEN:**

VIVEK HEBBALE

...PETITIONER

(BY SRI. NITESH PADIYAL, ADVOCATE)

**AND:**

1. SAHITYA AKADEMI  
THROUGH ITS SECRETARY  
(AN AUTONOMOUS BODY OF  
MINISTRY OF CULTURE,  
GOVERNMENT OF INDIA AND  
IS FULLY FUNDED BY IT)  
RABINDRA BHAVAN 35  
FEROZESHA ROAD,  
NEW DELHI-110001
2. THE DEPUTY SECRETARY  
SAHITYA AKADEMI,





RABINDRA BHAVAN  
35 FERZESHA ROAD,  
NEW DELHI-110001

...RESPONDENTS

(BY SRI. ASHISH DIXIT, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDERS OF WITHDRAWAL OF APPOINTMENT OF PETITIONER WHICH ARE UNDER THE GARB OF WITHDRAWAL OF OFFERING OF APPOINTMENT ORDER No.SA.50/RECRUITMENT /SEA/UR/ROB/6664 DATED 03.08.2022 ISSUED BY RESPONDENT NO.2 WHICH IS AT ANNEXURE-A AND BY SIMILAR ORDER OF WITHDRAWAL ISSUED BY 2<sup>ND</sup> RESPONDENT DATED 06.09.2022 VIDE NO.SA.50/RECRUITMENT/SEA/UR/ROB/90420 WHICH IS AT ANNEXURE-B, CONSEQUENTLY ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO APPOINT THE PETITIONER AS SALES-CUM-EXHIBITION ASSISTANT AS PER THE NOTIFICATION WITH ALL BENEFITS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

Heard learned counsel appearing for the parties.

2. In this writ petition, petitioner is assailing order dated 03.08.2022 (Annexure-A) issued by the respondent Academy.



3. It is the case of the petitioner that the respondent has invited applications from eligible candidates for appointment to the post of Sales-cum-Exhibition Assistant as per Annexure-C. Pursuant to the same, the petitioner was selected subject to production of relevant document as mentioned in the offer of appointment produced at Annexure-E. Thereafter, by letter dated 24.01.2022 Annexure-A the respondents found that the petitioner was aged about 15 years 6 months and accordingly, withdrawn the offer of appointment letter and feeling aggrieved by the same, the petitioner has presented this writ petition.

4. I have heard Sri Nitesh Padiyal, learned counsel appearing for the petitioner and Sri Ashish Dixit, learned counsel for the respondents-Academy.

5. Sri Nitesh Padyal, learned counsel appearing for the petitioner contended that the petitioner is having requisite experience to be appointed to the post of Sales-



cum-Exhibition Assistant, in terms of the experience certificate produced at Annexure-D and accordingly, sought for interference of this Court.

6. *Per contra*, Sri Ashish Dixit, learned counsel appearing for the respondents argued that the experience certificate produced at Annexure-D is a created one and the said certificate is issued by the Book House being run by the mother of the petitioner. That apart, it is contended by the learned counsel appearing for the respondents that the age of the petitioner was 15 years and 6 months at the time of appointment and therefore, the case of the petitioner was not considered for appointment.

7. In the backdrop of these aspects and having taken note of the factual aspects on record, the petitioner was aged about 15 years 6 months and therefore, the petitioner cannot be appointed to the said post by an organisation, muchless the respondents herein, Ministry of Culture, Government of India. It is to be noted that the prohibition under the provisions of Rule 2B of the Child



Labour (Prohibition and Regulations) Amendment Rules, 2017 applicable to the case on hand and accordingly, the respondents-academy rightly withdrawn the appointment. Hence, the writ petition is ***dismissed***.

**Sd/-**  
**JUDGE**