



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF NOVEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE N S SANJAY GOWDA**

**WRIT PETITION NO. 12609 OF 2023 (S-RES)**

**BETWEEN:**

SMT. ANITHA H

...PETITIONER

(BY SRI MANJUNATHA RAO BHONSLE, ADVOCATE)

**AND:**

THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE AND  
APPOINTING AUTHORITY  
DAVANAGERE – 577 001.  
REP. BY THE CHIEF ADMINISTRATIVE OFFICER.

...RESPONDENT

(BY SRI SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, 1950 PRAYING TO QUASH THE TERMINATION ORDER IN NO. NIL DATED 25/05/2023 VIDE ANNEXURE-N PASSED BY THE RESPONDENT AND ETC.,

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





**ORDER**

1. Pursuant to a notification calling for applications for the post of a Typist, the petitioner submitted an application (Annexure-B). In the application, there was one column which required the applicants to state their marital status and accordingly, the petitioner stated that she was married to one Sri. R. Vijay Kumar. The petitioner was found to be eligible on merit and she was appointed under the notification dated 21.12.2022. Since the petitioner claimed the appointment under reservation category, her caste certificate was sent to the Caste Verification Committee and the Committee confirmed the caste of the petitioner. In the Form No. 1 attached to the Caste Verification Report, in column No. 4E, it is stated as follows:

4)	ಕುಟುಂಬದ ವಾರ್ಷಿಕ ಆದಾಯ ಮತ್ತು ಆದಾಯದ ಮೂಲಗಳು	:	ರೂ.507156/-(ರೂ. ಐದು ಲಕ್ಷದ ಏಳು ಸಾವಿರದ ಒಂದು ನೂರು ಐವತ್ತು ಆರು ಮಾತ್ರ)
	(ಎ) ಕೃಷಿ	:	-
	(ಬಿ) ವ್ಯಾಪಾರ	:	-



(ಸಿ) ಸೇವೆ ಅರೆಸರ್ಕಾರಿ (ಡಿ) ಖಾಸಗಿ	(ಠ) ಸರ್ಕಾರಿ (ಽ) :	-
(ಡಿ) ಇತರೇ ಮೂಲಗಳು	:	-
(ಇ) ಪತಿ:ಪತ್ನಿ ಸರ್ಕಾರಿ: ಅರೆಸರ್ಕಾರಿ ಸೇವೆಯಲ್ಲಿದ್ದಂತೆ ವಿವರ	:	ಪತಿ-ಸರ್ಕಾರಿ ಸೇವೆ. ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು.

2. As could be seen from this column, the petitioner did indicate that her husband was working as a First Division Assistant and was a Government servant, and that total annual income of the family was Rs.5,07,156/-.

3. However, the Principal District and Sessions Judge proceeded to issue a notice dated 29.04.2023 since the petitioner had submitted a request to transfer her to Honnali, on the ground that her husband was working in the Public Prosecutor's Office at Shivamogga. The Principal District and Sessions Judge was of the view that during interview, the petitioner had made a statement that her



husband was a vegetable vendor and had therefore, furnished false information.

4. In response, the petitioner submitted a reply. In this reply, the petitioner denied the allegation that she had informed the Principal District and Sessions Judge that her husband was a vegetable vendor. She stated that she had informed the Principal District and Sessions Judge during the course of interview that her husband was working in Public Prosecutor's office and that her parents were vegetable vendors.

5. Notwithstanding the said reply, the Principal District and Sessions Judge has passed the impugned order terminating the petitioner from the post of Typist and has also held that she would be liable for criminal prosecution. The Principal District and Sessions Judge has taken a view that the petitioner was guilty of misconduct, inasmuch as she had suppressed material information during the course of interview by informing the Principal District and Sessions Judge that her husband was a vegetable vendor. The Principal District and Sessions



Judge has also taken the view that the reply in which the petitioner had asserted that her husband was working as a Government servant in the office of Public Prosecutor, Shivamogga was a blatant lie and therefore, she did not deserve to continue as a Typist.

6. In my view, the reasoning of the Principal District and Sessions Judge in passing the impugned order is unsustainable. What exactly transpired in the interview is not a matter of record and hence, the personal information that the Principal District and Sessions Judge claims to have had cannot be accepted on its face value in order to establish that the petitioner had made a false statement during the interview, especially when the petitioner denied this assertion that she had informed the Principal District and Sessions Judge that her husband was working as a vegetable vendor.

7. It may be pertinent to state here that the application which was submitted when applying for the post of a Typist did not require the petitioner to state the avocation of her husband. The avocation of an applicant's



husband cannot be a qualification or a disqualification for being appointed as a Typist.

8. In the proceedings before the Caste Verification Committee, the petitioner has, in fact, clearly indicated that her husband was a Government servant in the Public Prosecutor's office and this was probably because the column in the application did warrant such information being furnished. Since the petitioner did furnish the correct information to the Caste Verification Committee that her husband was working as a First Division Assistant in the Government, the reasoning of the Principal District and Sessions Judge that the petitioner had furnished false information during the course of the interview cannot be accepted.

9. It is to be stated here that the avocation of the petitioner's husband would really have no relevance for comparing the relevant merit of the petitioner. Admittedly, the petitioner possessed the necessary merit and secured the post of Typist on the basis of her own merit and appointment was obviously not given to her on the basis



of her husband's avocation. In that view of the matter, the impugned order cannot be sustained and the same is, accordingly, **quashed**. The petitioner shall be reinstated to the post forthwith and be permitted to discharge her services as a Typist.

10. Accordingly, the writ petition is **disposed off**.

**Sd/-  
JUDGE**

LRS  
List No.: 1 Sl No.: 13