



THESE PETITIONS, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 03.08.2023, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING

**ORDER**

1. For ease of reference, this order has been divided into the following sections:

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**A. Factual Background:**

2. The petitioners in these writ petitions are aspirants to the posts of Assistant Engineer and Junior Assistant (Electrical) who have made applications to be recruited pursuant to a Recruitment Notification and are aggrieved by the Circular dated 01.02.2023 by which the State has clarified the manner in which the reservation contemplated under Article 371J of the



Constitution of India is to be applied in respect of candidates hailing from the Kalyana-Karnataka region (formerly known as “the Hyderabad-Karnataka region”).

**B. (i) Analysis of the Relevant Amendment to the Constitution, Orders and Circulars:**

3. The Constitution of India was amended for the ninety eighth (98<sup>th</sup>) time and Article 371J<sup>1</sup> was inserted into Chapter-XXI of the Constitution of India, which provides for making of Temporary, Transitional and Special provisions. Article 371J is with respect to the State of Karnataka.

4. Article 371J consists of two parts. The first part i.e., Article 371J (1), provides for the President of India to make an

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<sup>1</sup> (1) The president may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor for -

(a) establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly;

(b) equitable allocation of funds for development expenditure over the said region, subject to the requirements of the State as a whole; and

(c) equitable opportunities and facilities for the people belonging to the said region, in the matters of public employment, education and vocational training, subject to the requirements of the State as a whole.

(2) An order made under sub-clause (c) and (1) may provide for -

(a) reservation of a proportion of seats in educational and vocational training institutions in the Hyderabad-Karnataka region for students who belong to that region by birth or by domicile; and

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order.



order in respect of the State of Karnataka and also entrusts for special responsibilities to the Governor in matters of:

- a. establishment of a separate development board for Hyderabad-Karnataka region;
- b. equitable allocation of funds for developmental expenditure in the said region; and
- c. equitable opportunities and facilities for the people belonging to the said region in the matters of public employment, education and vocational training.

5. The second part i.e., Article 317J (2), elaborates the purposes that an order made by the President could provide for, and specifies the following:

- a. reservation of a proportion of seats in educational and vocational training institutions in the Hyderabad-Karnataka region for students who belong to the said region by birth or by domicile;
- b. identification of posts or classes of posts under the State Government and also in any body or organization under the control of a State



Government in the Hyderabad-Karnataka region and for reservation of a proportion of such posts for persons who belong to that region by birth or by domicile along with consequential appointment thereto, either by direct recruitment or by promotion or in any other manner as may be specified in the said order.

6. Thus, the President was empowered to make an order imposing certain responsibilities on the Governor and the order so made could provide for reservation of a proportion of seats in educational institutions; and for identification, reservation and appointment by direct recruitment or by promotion to a proportion of such posts, for persons belonging to the Hyderabad-Karnataka region.

7. By virtue of the powers conferred under the ninety-eighth amendment, the President of India, *vide* Notification dated 24.10.2013, made an order titled "The State of Karnataka (Special Responsibility of Governor for Hyderabad-Karnataka Region) Order, 2013" (for short, referred to as "**the 2013 Order**").



8. Clause 2 of the 2013 Order cast a special responsibility on the Governor of Karnataka for establishment of a separate development board for the Hyderabad-Karnataka region and for other matters referred to in clause (1) and (2) of Article 371J of the Constitution in respect of that region.

9. On 06.11.2013, by virtue of the powers conferred under the Presidential Order, the Governor made an order titled as "The Karnataka Public Employment (Reservation in Appointment for Hyderabad-Karnataka Region) Order, 2013 (for short, referred to as "**the Governor's Order**"), which came into force on the same day, and comprised of two chapters. Paragraphs 2 to 5 of the 1<sup>st</sup> Chapter dealt with the organization of local cadres, allotment of persons, and transfer of persons, while paragraphs 6 and 7 dealt with domicile, and establishment of an authority to issue domicile certificate.

10. Paragraph 3 of the order, which provided for Organisation of local cadres, stated that 75% of the posts in the Hyderabad-Karnataka region in Group A (Junior Scale) and in Group B posts be organised into a local cadre.



11. In respect of Group C posts, 80% of the posts in the Hyderabad-Karnataka region were to be organised into a local cadre, while in respect of Group D posts in the Hyderabad-Karnataka region, 85% of the posts were to be organised into a local cadre.

12. Firstly, the posts available in the Hyderabad-Karnataka region were to be identified as local cadres in the percentages mentioned above i.e., 75% for Group A (Junior Scale) and Group B posts; 80% for Group C posts; and 85% for Group D posts.

13. Secondly, as under paragraphs 4 and 5, persons holding existing posts were to be organised into local cadres by giving an option to the local persons for being allotted in the local cadre in the region. A provision was also made for persons aggrieved of the allotment made to him, to submit a representation and for its consideration by the competent authority. The region for which a local cadre was organised was also stated to be considered as a separate unit for the purposes of recruitment, appointment, seniority, promotion and transfer.



14. Paragraph 6 defined "Domicile" of a person from the local region for the purpose of direct recruitment or promotion. Paragraph 7 provided for notification to the competent authority for issuance of a certificate of eligibility to a local person to claim reservation.

15. Paragraph 8, which would be relevant for this case, stated that there should be a reservation made to the extent stated above in the paragraph 3, in matters of direct recruitment or promotion, in respect of posts in the local cadre.

16. Thus, in the local cadres which were to be organised pursuant to the Governor's Order, 75% of the posts in respect of Group A (Junior Scale) and Group B, 80% in respect of Group C posts and 85% of Group D posts were to be reserved for persons belonging to the Hyderabad-Karnataka region for direct recruitment and for promotion. This reservation was made subject to the two conditions imposed in paragraph 8 (4).

17. The other paragraphs of Chapter-I also provided for issuance of directions to the State Government which would be necessary for carrying out the purposes of giving effect to the Governor's Order. Paragraph 10 of the Order stated that the



said Order would have an overriding effect on any Rule, Regulation or Bye-Law made before the commencement of the Governor's Order in respect of direct recruitment or promotion to the posts.

18. The 2<sup>nd</sup> Chapter of the Governor's Order contained provisions relating to State-level offices or institutions or apex institutions, shifting of State-level offices, age relaxation and grace marks in the matter of employment of the local persons, and also for protection and promotion of the rights of local candidates.

19. The Governor's Order was amended by way of a Notification dated 20.01.2014 ("**the Amendment Order**"), whereby, as against the earlier requirement of the Governor taking action, the State Government was indicated as the authority to take action and implement the Governor's Order in all the relevant paragraphs of the Governor's Order, along with certain other amendments.

20. The Amendment Order also inserted certain paragraphs which enabled the State Government to make rules to carry out the purposes of the 2013 Order, issue a notification to remove



any difficulty which may have arisen in giving effect to the provisions of the order, and also provided for a clause which empowered the Government to interpret the provisions of the order and issue clarifications in that regard.

21. On 29.01.2014, the State Government, in exercise of the powers conferred under paragraph 15 of the Governor's Order, framed rules, which were titled "Karnataka Public Employment (Reservation in appointment for Hyderabad-Karnataka Region) (Organization of Local Cadres, Allotment and Transfer of Persons) Rules, 2013 (for short, referred to as "**the 2013 Rules**").

22. These Rules elaborated for the manner in which the local cadres were to be organized, the manner in which the roster would have to be operated for the purpose of reservation and also notifying the local cadre with the roster. It also provided for allotment of persons to the local cadre along with making rules in relation to seniority and related issues, in addition to shifting of a non-local person from a local cadre. These Rules were basically in respect of persons already holding the posts in



the region and would, thus, have no real relevance to the case on hand.

23. To summarise, the Governor, by virtue of the powers conferred under Article 371J, made an order providing for identification of the posts and for reservation of a proportion of the posts for appointment in the Hyderabad-Karnataka region, and the State Government framed rules in the matters of organization of local cadre, allotment and transfer of persons, thereby seeking to achieve the intent of Article 371J in the matter of recruitment and promotion.

24. On 22.05.2015, the State Government issued a Circular issuing four clarifications in relation to the issues that had arisen while implementing the Governor's Order. To this writ petition, only the third clarification would be relevant, and the same reads as follows:

“ಸ್ವಷ್ಟೀಕರಣ 3: ಸ್ಥಳೀಯ ಹಾಗೂ ಮಿಕ್ಕುಳಿದ ವೃಂದಗಳಲ್ಲಿ ಲಭ್ಯವಿರುವ ಹುದ್ದೆಗಳನ್ನು ತುಂಬುವ ಬಗ್ಗೆ ಅನುಸರಿಸಬೇಕಾದ ವಿಧಾನಗಳ ಬಗ್ಗೆ.

ಮಾತ್ರ ವೃಂದದಿಂದ ಸ್ಥಳೀಯ ವೃಂದ ಹಾಗೂ ಮಿಕ್ಕುಳಿದ ವೃಂದಗಳನ್ನು ಬೇರ್ಪಡಿಸಿ. ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ಸ್ಥಳೀಯ



ವ್ಯಕ್ತಿಗಳಿಂದ ಆಯ್ಕೆ ಪಡೆದು. ಅವರವರ ಆಯ್ಕೆಗನುಸಾರವಾಗಿ ಹಂಚಿಕೆ ಮಾಡಿದ ನಂತರದಲ್ಲಿ ಎರಡೂ ವೃಂದಗಳಲ್ಲಿ ಲಭ್ಯವಿರುವ ಖಾಲಿ ಹುದ್ದೆಗಳನ್ನು ನೇರ ನೇಮಕಾತಿ ಮುಖೇನ ತುಂಬುವಲ್ಲಿ ನೇಮಕಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳು ಸ್ಥಳೀಯ ಹಾಗೂ ಮಿಕ್ಕುಳಿದ ವೃಂದಗಳಲ್ಲಿ ಲಭ್ಯವಿರುವ ಹುದ್ದೆಗಳಿಗೆ ಏಕ ಕಾಲಕ್ಕೆ(ಎರಡೂ ವೃಂದಗಳಿಗೆ ಒಂದೇ ಅರ್ಜಿ) ಅರ್ಜಿಯನ್ನು ಆಹ್ವಾನಿಸಿ. ನೇಮಕಾತಿ ಪ್ರಕ್ರಿಯೆ ಮುಂದುವರೆಸಿಕೊಂಡು ಹೋಗುವ ಬಗ್ಗೆ ನೇಮಕಾತಿ ಅರ್ಜಿಯಲ್ಲಿಯೇ ಈ ಕೆಳಕಂಡಂತೆ ಆಯ್ಕೆ ಪಡೆಯುವಂತೆ ಆಯ್ಕೆ ಪ್ರಾಧಿಕಾರಿಗಳಿಗೆ ನಿರ್ದೇಶಿಸಲಾಗಿದೆ.

1. ಹೈದ್ರಾಬಾದ್-ಕರ್ನಾಟಕ ಸ್ಥಳೀಯ ವೃಂದದ ಮೀಸಲಾತಿ ಹುದ್ದೆಗಳಿಗೆ ಆಯ್ಕೆ ಕೋರುವಿರಾ: ಹೌದು/ಇಲ್ಲ.
2. ಸ್ಥಳೀಯ ವೃಂದ ಆಯ್ಕೆ ಮಾಡಿದ್ದಲ್ಲಿ. ಸ್ಥಳೀಯ ವೃಂದದಲ್ಲಿನ ಆದ್ಯತೆ:
  - (ಅ) ಮೊದಲನೆ ಆದ್ಯತೆ: ರಾಜ್ಯ ಮಟ್ಟದ ಸ್ಥಳೀಯ ವೃಂದ (ಶೇಕಡ 8ರಂತಿರುವ)/ಪ್ರದೇಶಿಕ (ಜಿಲ್ಲಾ/ತಾಲ್ಲೂಕು) ಮಟ್ಟದ ಸ್ಥಳೀಯ ವೃಂದ (ಶೇಕಡ 75/80/85ರಂತಿರುವ)
  - (ಆ) ಎರಡನೇ ಆದ್ಯತೆ: ರಾಜ್ಯ ಮಟ್ಟದ ಸ್ಥಳೀಯ ವೃಂದ (ಶೇಕಡ 8ರಂತಿರುವ)/ಪ್ರದೇಶಿಕ (ಜಿಲ್ಲಾ/ತಾಲ್ಲೂಕು) ಮಟ್ಟದ ಸ್ಥಳೀಯ ವೃಂದ (ಶೇಕಡ 75/80/85ರಂತಿರುವ)
3. ಮಿಕ್ಕುಳಿದ ವೃಂದದಲ್ಲಿ ಲಭ್ಯವಿರುವ ಹುದ್ದೆಗಳಿಗೂ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಬಯಸುವಿರಾ?:ಹೌದು/ಇಲ್ಲ



Note:ಹೈದ್ರಾಬಾದ್-ಕರ್ನಾಟಕ ಸ್ಥಳೀಯ ವೃಂದದ ಹುದ್ದೆಗೆ ಆಯ್ಕೆ ಕೋರಿ. ಅರ್ಜಿ ಸಲ್ಲಿಸುವ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಗಳು ಮಿಕ್ಕುಳಿದ ವೃಂದಗಳಲ್ಲಿ ಹುದ್ದೆಗಳಿಗೂ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಅರ್ಹರಿರುತ್ತಾರೆ.

4. ಸ್ಥಳೀಯ ವೃಂದ ಹಾಗೂ ಮಿಕ್ಕುಳಿದ ವೃಂದಗಳಲ್ಲಿ ಒಂದೇ ಹುದ್ದೆಯ ಆಯ್ಕೆಗೆ ಅರ್ಹತೆ ಹೊಂದಿದ್ದಲ್ಲಿ. ಯಾವ ವೃಂದದ ಹುದ್ದೆಗೆ ಆಯ್ಕೆ ಬಯಸುತ್ತೀರಾ?:ಸ್ಥಳೀಯ ವೃಂದ/ಮಿಕ್ಕುಳಿದ ವೃಂದ.

5. ಮಿಕ್ಕುಳಿದ ವೃಂದದಲ್ಲಿ ಸ್ಥಳೀಯ ವೃಂದಕ್ಕಿಂತ ಉತ್ತಮ ಆದ್ಯತೆ (better preference) ದೊರೆಯುವುದಾದಲ್ಲಿ ಮಿಕ್ಕುಳಿದ ವೃಂದ ಆಯ್ಕೆ ಮಾಡುವಿರಾ?:ಹೌದು/ಇಲ್ಲ

Note:ಮಿಕ್ಕುಳಿದ ವೃಂದದಲ್ಲಿ ಆಯ್ಕೆ ಬಯಸಿ ನೇಮಕಾತಿ ಹೊಂದಿದ್ದಲ್ಲಿ. ಸೇವಾ ಅವಧಿಯಲ್ಲಿ ಸ್ಥಳೀಯ ವೃಂದದಲ್ಲಿ ಲಭ್ಯವಿರುವ ಯಾವುದೇ ಸವಲತ್ತು ನೀಡಲಾಗುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಸ್ಪಷ್ಟೀಕರಿಸಲಾಗಿದೆ.”

25. As can be seen from the above clarification, after the exercise of identification of the posts was completed and the persons holding the posts were allotted to the local cadres as per their option, the recruiting authorities, in respect of the remaining vacancies, were required to invite a single application at a time for filling up both the local cadre and the non-local cadre posts, and in that application, they were



required to incorporate five options to elicit the choice of the candidates. The options to be incorporated in the application were in respect of the following:

- a. As to whether they wished to be allotted under the local cadre;
- b. If selected to the local cadre, whether they would give first preference to be in the State-level local cadre (i.e., 8% reservation) or second preference to the Regional local cadre (i.e., the cadre in which 75% or 80% or 85% posts had been reserved for persons from the local region);
- c. Whether they wished to apply for the vacancies in the non local cadre also?
  - i. A note was appended to this option with a clarification that the persons from the local region were also entitled to apply for the non-local cadre;
- d. In the event the candidate was selected in the local cadre as well as in the non-local cadre, whether he



would opt for the local cadre or the non-local cadre;

and

e. In the event the candidate got a better preference in the Non-local cadre, whether the candidate would choose to opt for the local cadre or for the non-local cadre.

i. This option was clarified with a note that if a candidate was appointed as per his option to the non-local cadre, he would not be eligible to claim reservation under Article 371J or the benefits provided for under the local cadre.

26. This clarification was, obviously, issued in order to have a singular process of recruitment for both the local and the non-local cadres, and at the same time, also ascertain of the desire of the candidates for allotment, either to the local cadre or to the non-local cadre, on being recruited. Fundamentally, the exercise of this option would enable the cadre controlling authority to make an easy determination of the allotment of persons so selected, as per their choice.



27. On 16.11.2016, another Circular was issued in which there was a complete rethinking of the earlier concept of having a single application for both local and non-local cadres and with the provisions for giving options to choose the cadre at the very time of recruitment.

28. By the said Circular, it was clarified that the earlier clarification dated 22.05.2015 was to be applicable only in respect of recruitment which were to take place under the Karnataka Public Service Commission Gazetted Probationers Rules.

29. The Circular, more importantly, stipulated that with effect from 16.11.2016, a separate notification for recruitment had to be issued in respect of non-local cadre and local cadre, and the process of selection should also be separately conducted.

30. In respect of recruitment, in which a single notification had already been issued, it was clarified that no option should be obtained from the persons who had applied under the local cadre at any stage till the process of recruitment was completed.



31. It was lastly clarified that before the select list was prepared from the merit list, the select list was to first be prepared in respect of the non-local cadre, and thereafter, the select list was to be prepared in respect of the local cadre.

32. The effect of this clarification was that, at the time of preparation of the select list, the candidates who were eligible for being recruited under the local cadre were also required to be considered for the vacancies available in the non-local cadre and if they were found eligible to be appointed under the non-local cadre on merit, they were to be selected to the under the non-local cadre. This would, in turn, result in them not being considered in respect of the vacancies in the local cadre, thereby ensuring a larger number of vacancies becoming available to the less meritorious among the candidates of the local region, and as a result provide them a greater opportunity for being recruited.

33. This clarification, fundamentally, resulted in the meritorious among the local cadre to be fitted into the non-local cadre, leaving some room open for a larger number of posts to



be made available in the local cadre for the less meritorious from the persons coming from the local region.

34. To illustrate, Assuming 400 posts available for direct recruitment, 300 posts were reserved to the non-local cadre and 100 posts were reserved for the local cadre and in a competitive examination conducted where 500 candidates became eligible, out of which 150 were from the local region, the more meritorious among this 150 would first compete for the vacancies in the non-local cadre and let's say, 50 out of the 150 of the local candidates became eligible for selection on merit in the non-local cadre, then, the remaining 100 candidates from the local cadre would remain for consideration in the local cadre and they would all be fitted into the local cadre.

35. If, on the other hand, the entirety of 150 candidates from the local cadre were asked to compete only for the 100 posts available in the local cadre because of the option that they had exercised at the time of making the application, then the prospects of a larger number of local candidates being selected would get drastically reduced.



36. Furthermore, and even more importantly, they would be shut out from competing to the posts available in the non-local cadre, which, in turn, would result in the non-local cadre being reserved only for persons not hailing from the Hyderabad-Karnataka region.

37. In other words, people hailing from the Hyderabad-Karnataka region would be virtually pigeon-holed into competing only for the posts available in the local cadre and would be excluded from competing in respect of the posts available in the non-local cadre, and the persons hailing only from the non Hyderabad-Karnataka region would get to compete for the posts available in the non-local cadre and completely exclude the candidates hailing from the Hyderabad-Karnataka region from competing for the vacancies in the non-local cadre.

38. It is to be borne in mind that the 98<sup>th</sup> Amendment to the Constitution making a special provision for the Hyderabad-Karnataka region fundamentally intended to enhance the prospects for the people hailing from that region in securing employment and the Circular dated 22.05.2015 basically



diminished the prospects of such persons from securing employment to a large extent, by reasons of the fact that they were forced to exercise an option under the recruitment notification.

39. On 23.05.2019, the Government issued another clarification that Karnataka Public Service Commission ("**the KPSC**", for short) and the Karnataka Examination Authority ("**the KEA**", for short) had to conduct only one competitive examination for both local and non-local cadres. The Circular also clarified that, henceforth, all appointing authorities would also have to conduct a single competitive examination for both local and non-local cadre posts.

40. On 06.06.2020, another Circular came to be issued, by which the Clarification No. 3 in the Circular issued on 22.05.2015, and as well as the two subsequent Circulars dated 16.11.2016 and 23.05.2019 were completely withdrawn.

41. This Circular stated that whenever a direct recruitment for both local cadre and non-local cadre posts was to be made in which candidates were required to give preference to choose different departments which were to be filled up together, the



KPSC and the other recruiting agencies were required to issue a single notification and allow candidates to give a single application, and such notification was required to clearly state the number of posts available in the local and non-local cadres along with the reservation-wise classification.

42. The Circular further stated that in such a single application, the candidates were required to state their option to join the local cadre or the non-local cadre, and to facilitate this, 5 options were required to be sought from them:

- a. The 1<sup>st</sup> option was to as to whether they wished to opt for the local cadre;
- b. The 2<sup>nd</sup> option was as to whether they wished to apply for the non-local cadre posts also.
  - i. This was clarified with a note that persons belonging to the Hyderabad-Karnataka region would be eligible to apply both for the local and non-local cadres;
- c. The 3<sup>rd</sup> option required the candidate to state that if he was found eligible for both the local cadre and



the non-local cadre, which cadre he would wish to choose; and

d. The 4<sup>th</sup> option required the candidate to state that in the event he secured a better preference in the non-local cadre as compared to the local cadre, whether he would choose the non-local cadre.

i. This was clarified with a note, which stated that local candidates who opted for the non-local cadre and were selected would, thereafter, not be eligible for claiming reservation under Article 371J during their entire service.

43. In respect of recruitments to the posts of the same department or the same designation where candidates were not required to state their preference to choose different departments, all the recruiting authorities were required to invite applications by a single notification for both local and non-local cadres and they were required to exercise the following options in their application:



- a. The 1<sup>st</sup> option was as to whether the candidates were applying under the local cadre;
- b. The 2<sup>nd</sup> option was as to whether they were also applying under the non-local cadre.
  - i. This was clarified by a note that the local candidates were eligible to apply under both local and non-local cadres.
- c. The 3<sup>rd</sup> option was as to whether the candidate, if eligible for selection in both the local cadre and the non-local cadre, then which of the cadres he would choose.
  - i. This was clarified with a note which stated that local candidates who opted for the non-local cadre and were selected, would not be eligible for claiming reservation under Article 371J.

44. The Circular also stated that in the single recruitment Notification issued for filling up the posts by direct recruitment



under both local and non-local cadre, two special instructions were to be mentioned compulsorily:

- a. The 1<sup>st</sup> instruction was that the Hyderabad-Karnataka local persons were eligible to apply for both local and non-local cadre posts; and
- b. The 2<sup>nd</sup> instruction was that it was to be clarified in the recruitment notification itself that if the local persons opted for the non-local cadre, they would not be eligible to claim reservation under Article 371J in their entire service.

45. The Circular also stated the steps that were to be taken by various recruiting agencies in respect of recruitment processes which were pending in the following terms:

- a. In respect of recruitment processes in which separate notifications for the local and non-local cadres had already been issued as per the Circular dated 16.11.2016 and a single competitive examination was also conducted as per the Circular dated 23.05.2019, in respect of which a select list was yet to be published, it was stated that separate



select lists were required to be prepared and finalised. It was also stated that no options were to be taken from candidates who had been selected under both cadres.

- b. In respect of the recruitment processes in which a single notification had been issued as per the Circular dated 22.05.2015 and the recruitment process had not been completed as on 06.06.2020, the select list was to be prepared as per para 4 of the Circular dated 16.11.2016 i.e., by first preparing the select list for the non-local cadre, and thereafter, prepare the select list for the local cadre.

46. Thus, by this Circular dated 06.06.2020, the Government basically reverted to the process of selection to the position as contemplated in Clarification No. 3 of the Circular dated 22.05.2015, whereby, local candidates were required to give at the time of applying itself, an option, as regards the cadre which they desired to opt for, if selected. Thus, the earlier procedure which forced a candidate from the Hyderabad-



Karnataka region to necessarily choose a cadre and resultantly, reduce his prospects of employment was restored.

47. On 15.06.2022, the Government issued another Circular, whereby it withdrew the Circular dated 06.06.2020. It was stated that due to strong opposition to the Circular dated 06.06.2020 by the local candidates and the representative of the region, the matter had been placed before the Cabinet sub-committee and they had decided to withdraw the Circular dated 06.06.2020. Thus, there was once again a reversal in the manner of recruitment in respect of posts in the local cadre.

48. This Circular dated 15.06.2022 required that, thenceforth, separate notifications were to be issued for recruitment to local and non-local cadre posts, and separate competitive examinations were also required to be conducted. Therefore, a separate process of recruitment for the local cadre and the non-local cadre posts became imperative.

49. It, however, made an exception in the matter of recruitment to the posts of Gazetted Probationers and stated that in respect of the posts of Gazetted Probationers, a single notification mentioning the number of posts available in the



local cadre and the non-local cadre, along with the reservation, were to be specified and the four options to be sought are as given hereunder:

- a. The 1<sup>st</sup> option was as to whether the candidate was applying under the Hyderabad-Karnataka local cadre;
- b. The 2<sup>nd</sup> option was whether the candidate was applying for the non-local cadre posts also;
- c. The 3<sup>rd</sup> option was, in the event the candidate had opted for selection under the local cadre and was found eligible for selection under both local and non-local cadres, then which category the candidate would choose i.e., whether the local cadre or the non-local cadre; and
- d. The 4<sup>th</sup> option was that despite the preference given at the time of the application, if he secured a better preference under the non-local cadre as compared to the local cadre, would he choose to opt under the non-local cadre.



50. It also proceeded to issue a clarification as regards the recruitment Notifications which had been issued after 06.06.2020 and before the issuance of the Circular dated 15.06.2022.

51. The Circular stated that in respect of such notifications for which the recruitment was in progress, the proceedings should continue as per the process detailed under the Circular dated 06.06.2020.

52. Thus, though the State Government decided to resort to the process of issuing separate recruitment notifications, conducting separate competitive examinations and separate recruitment processes for the local and non-local cadres, in respect of cases where the Notifications had been issued between the period of 06.06.2020 and 15.06.2022, the provisions detailed in the Circular dated 06.06.2020 was to be adopted.

53. On 01.02.2023, the Government issued yet another Circular. By this Circular, the last paragraph of the Circular dated 15.06.2022, by which, in respect of the recruitment notifications issued between 06.06.2020 and 15.06.2022, the



recruitment process stipulated in the Circular dated 06.06.2020 which was ordered to be adopted, was withdrawn.

54. It also went on to direct all the recruitment authorities not to consider the options exercised by the local candidates in respect of the recruitment notifications issued between 06.06.2020 and 15.6.2022, in cases where the final selection list had not yet been published. A direction was also issued to the recruiting authorities to consider the meritorious local candidates, first, in the non-local cadre, and thereafter, consider their candidature against the local cadre posts.

55. Thus, even in respect of recruitment Notifications which had been issued after 06.06.2020 and before 15.06.2022, the process stipulated in the Circular dated 06.06.2020 was not to be followed and in such cases where the Select list had not been published, the recruiting authorities were to first consider the meritorious local candidates in the non-local cadre, and thereafter, consider them against the local cadre posts.

56. The consequence of this Circular was that the local candidates, notwithstanding the fact that they had exercised their options, had to be necessarily considered on merit, first in



the non-local cadre and if they were unsuccessful in securing selection in the non-local cadre, their candidature had to be considered in the local cadre.

57. In simpler words, the position as prescribed in the Circular dated 16.11.2016 was to be adopted in respect of local candidates.

58. As explained earlier, this resulted in the local candidates competing with non-local candidates for the non-local cadre posts and if they became eligible for selection, they were required to be appointed in the non-local cadre and only if they were unable to secure selection in the non-local cadre posts were they to be considered for the local cadre posts. This procedure, as already explained above, resulted in higher prospects of securing selection for the less meritorious amongst the local candidates.

59. It is to be stated here that the Governor's Order, as promulgated initially, did not enable the Government to issue any Circular clarifying the process of recruitment to the local cadre posts. However, by the amendment of 2014 to the Governor's Order whereby paragraph 19 was inserted, the



Government became empowered to not only interpret but also issue clarifications regarding the provisions of the Governor's Order. Thus, the power to issue the six Circulars from 22.05.2015 till 01.02.2023, clarifying the manner in which the provisions of the Governor's Order were to be applied, are traceable to the paragraph 19 of the Governor's Order and they would, thus, have legal sanction and authority.

60. In these two sets of writ petitions, KPTCL issued a Recruitment Notification on 24.01.2022 calling for applications under several categories of posts including that of Assistant Engineers (Electrical) and Junior Engineers.

61. Since this Notification was issued post 06.06.2020 and prior to 15.06.2022, the Notification was in compliance with the Circular dated 06.06.2020 and was, thus, a single Notification, which specified the number of posts available under the local and non-local cadres along with the reservation applicable. It also mandated the local candidates to exercise their option under the four options provided i.e., choosing the local cadre, whether the candidate was applying under the non-local cadre



also and if eligible for being selected under both, which cadre the candidate would choose.

62. However, in view of the sixth clarification issued on 01.02.2023, the KPTCL was required to ignore the options exercised by the local candidates and it was to first consider their candidature against the non-local cadre posts and if they were unsuccessful in being selected under the non-local cadre, the KPTCL was, thereafter, required to consider their candidature for the local cadre posts.

**B(ii) Summary of timeline of the Circulars and the recruitment process adopted by the Government:**

22.01.2015 Single Notification issued for recruitment under both local and non-local cadre posts and in the applications, the local candidates were required to exercise their options to choose the cadre.

16.11.2016 Single Notification prescribed earlier was withdrawn and separate notifications were to be issued for the local and non-local cadre posts, and a separate recruitment process was to be



undertaken for filling vacancies in the local and the non-local cadre posts.

23.05.2019 Single competitive examination to be held for both local cadre and non-local cadre posts.

06.06.2020 Separate notifications for local and non-local cadre posts procedure prescribed, withdrawn. Single notification process was once again resorted to, with the requirement of calling upon the local candidates to exercise their options to choose their cadre.

15.06.2022 The process of issuing single notifications once again withdrawn and separate notifications were to be issued for the local and non-local cadre posts; and separate examinations also required to be conducted. However, in respect of pending recruitment notifications, the process as prescribed in the Circular dated 06.06.2020 to be followed.

01.02.2023 The clarification in the last paragraph of the Circular dated 15.06.2022 pertaining to following



the process prescribed in the Circular dated 06.06.2020 in respect of pending notifications was withdrawn, and a direction was issued not to consider the options already exercised by the candidates in the applications that had been filed as specified in the Circular dated 06.06.2020. A direction was also issued to consider the candidature of the local candidates first under the non-local cadre, and thereafter, under the local cadre.

63. Thus, the State Government has gone back and forth in the matter of clarifying the process of recruitment in respect of the local cadre posts from amongst the local persons in the context of Article 371J.

**C. Submissions of Counsel:**

64. The petitioners are all candidates from the non-local regions and are aggrieved by this 6<sup>th</sup> Circular and are, therefore, before this Court contending that once a recruitment notification was issued stipulating a particular process of seeking options from the local candidates and the same was



also accepted and adhered to by the candidates, the Government could not then change the selection process and direct that the options exercised were to be ignored and allow their candidature to be considered against the non-local cadre posts also. They contend that this process amounted to “changing the rules of the game midway” and that the same was against the settled principles of law.

65. It is their contention that by choosing to opt for the local cadre, the local candidates had foregone their right to seek appointment in the non-local cadre and this could not be reversed at the instance of the Government by issuing a Circular. They also contend that the fifth Circular dated 15.06.2022 could only be applied prospectively and the sixth Circular dated 01.02.2023 basically enabled retrospective operation of the fifth Circular dated 15.06.2022, and that this was simply impermissible in law.

66. The learned counsels appearing for the Petitioners, vehemently argued and placed reliance on **K. Manjushree<sup>2</sup>**, **Tej Prakash Pathak<sup>3</sup>**, **Salam Samarjeet Singh<sup>4</sup>**, **M.**

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<sup>2</sup> K. Manjushree v. State of Andhra Pradesh and Anr., (2008) 3 SCC 512).

<sup>3</sup> Tej Prakash Pathak and Ors. v. Rajasthan High Court and Ors., (2013) 4 SCC 540.



**Surender Reddy<sup>5</sup>, Sureshkumar Lalithkumar Patel<sup>6</sup>, Lokesh V.R.<sup>7</sup>, Megaraja<sup>8</sup>, Rajesh Kumar Daria<sup>9</sup>, N.T. Devin Katti<sup>10</sup>.**

67. The State, per contra, contends that the issuance of the Circular dated 01.02.2023 was necessary to achieve the true intent of Article 371J and was well within its power conferred under paragraph 19 of the Governor's Order. It contended that the application of the reservation under Article 371J by means of the Circular dated 01.02.2023 was in a manner which gave effect to the constitutional intent and it could not therefore, be termed illegal. The State has placed reliance on **M. Surender Reddy** (*supra*), **K. Manjushree** (*supra*), **Sureshkumar Lalithkumar Patel** (*supra*), **T.K. Rangarajan<sup>11</sup>**, **M.I. Kunjukunju<sup>12</sup>**, **Raj Kumar<sup>13</sup>**, **Karunesh Kumar<sup>14</sup>**, **R.K. Sabharwal<sup>15</sup>**, **Sandeep Choudhary<sup>16</sup>**, **Rohit P. Reddy<sup>17</sup>**,

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<sup>4</sup> Salam Samarjeet Singh v. HC of Manipur and Anr., (2016) 10 SCC 484.

<sup>5</sup> M. Surender Reddy v. State of Andra Pradesh, (2015) 8 SCC 410.

<sup>6</sup> Sureshkumar Lalithkumar Pate and Ors. v. State of Gujarat and Ors., 2023 SCC OnLine SC 167

<sup>7</sup> Sri Lokesh V.R. and Ors. v. The State of Karnataka and Ors., W.P. 6774/2020, HCK – Division Bench.

<sup>8</sup> Megaraja v. The State of Karnataka and Others., W.P. 204828/2018, HCK – Division Bench.

<sup>9</sup> Rajesh Kumar Daria v. Rajasthan Public Service Commission and Ors., (2007) 8 SCC 785.

<sup>10</sup> N.T. Devin Katti and Ors. v. KPSC and Ors., (1990) 3 SCC 157.

<sup>11</sup> T.K. Rangarajan v. Gov. of T.N. and Ors., (2003) 6 SCC 581.

<sup>12</sup> M.I. Kunjukunju v. State of Kerala, (2015) 11 SCC 440.

<sup>13</sup> State of H.P. v. Raj Kumar, (2023) 3 SCC 773.

<sup>14</sup> State of U.P. v. Karunesh Kumar, 2022 SCC OnLine SC 1706.

<sup>15</sup> R.K. Sabharwal v. State of Punjab, (1995) 2 SCC 745.

<sup>16</sup> BSNL v. Sandeep Choudhary, (2022) 11 SCC 779.

<sup>17</sup> Rohit P. Reddy v. State of Andhra Pradesh, 2013 SCC Online AP 402.



**Anupal Singh<sup>18</sup>, K. Shobana<sup>19</sup> and Rajesh Kumar Daria**  
(*supra*).

68. It is also contended that the principle of “changing the rules midway” cannot be applied to the instant case since neither the selection criteria nor the eligibility criteria were touched, and that no candidate was prejudiced by the manner in which the reservation was to be applied. It was stated that both local and non-local persons were required to compete for the non-local cadre posts by taking up the same competitive examination and the mere availing of an option by a local person would not eliminate them from competing with the non-local persons, and therefore, the principle of “changing the rules midway” had no application at all.

69. It was also contended that the State realized the consequence of imposing the requirement of exercising an option to choose the local cadre post, on the local persons, fundamentally resulted in forcing a local person to compete only in respect of the local cadre posts and this, in fact, would be detrimental to their prospect of securing employment, and

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<sup>18</sup> Anupal Singh & Ors. v. State of UP & Ors., (2020) SCC 173.

<sup>19</sup> State of T.N. v. K. Shobana & Ors., (2021) 4 SCC 686.



therefore, the doing away or the direction to ignore the option was not illegal.

70. However, an argument was advanced by the petitioners that in the instant case in the case of Assistant Engineers, as a result of considering the candidature of local persons for the non-local cadre posts, as against 106 posts available in the local cadre, only 35 posts had been filled up and there was a shortfall of 71 posts; and having regard to the fact that certain local persons had exercised the option of choosing the local cadre, the authorities could be directed to act on the options exercised and fit them into the local cadre, which would result in some persons hailing from the non-Hyderabad-Karnataka region i.e., non-local persons, to secure employment.

71. Learned Additional Advocate General, however, submitted that the number of candidates called for verification of documents was in the ratio of 1 : 1.5 and that, in all probability after the verification was concluded, the local candidates who had been called would not be able to secure selection in the non-local cadre and that they would have to be considered afresh in the local cadre and then there would be no posts



available. It was also contended that even if there was some availability, it would be of a very small number of posts. He submitted that the Governor's Order requires the unfilled posts to be treated as backlog vacancies and to be carried forward to the next recruitment, and in this regard, making available these backlog posts would be an infringement of the Governor's Order, possibly disturbing other reservation posts and resulting in further litigation.

72. It was lastly contended that the law as regards the application of reservation was settled and the persons entitled for reservation would have to be first considered under the general category and if he was selected from the general category, he could not be fitted into the reserved category. It was submitted that only if a person from the reserved category was not entitled to be selected in the general category was he to be considered under the reserved category, and that the State had merely decided to apply this well settled principle of law.

73. The KPTCL, the local candidates and also some of the candidates who are only interested in ensuring that the process



of recruitment was concluded at the earliest, put forth the same contentions as that of the State.

**D. Analysis:**

74. At the outset, it is to be stated that the very objective of amending the Constitution and making special provisions in respect of the Hyderabad-Karnataka region was to, firstly, acknowledge the fact that the Hyderabad-Karnataka region was not as well developed as the other parts of Karnataka and secondly, to make provisions to ensure that it was treated differently and grant incentives to the persons hailing from the region in the matter of providing education and employment (including by promotion to persons hailing from the region) so as to ensure that the Hyderabad-Karnataka region comes out of its backwardness. Thus, any orders made in exercise of the powers under Article 371J would have to be examined and considered keeping in mind this underlying objective.

75. Article 371J, basically, aims to create a situation which provides equitable opportunities and facilities in the matter of public employment. To this end, it enables identification of posts in the Hyderabad-Karnataka region and provides for



reservation of a proportion of the posts for persons belonging to the Hyderabad-Karnataka region.

76. The Governor's Order issued pursuant to the Presidential Order, in relation to recruitment either by way of promotion or direct recruitment, essentially enables reservation of a prescribed percentage of posts in favour of persons belonging to that region.

77. The Governor's order, however, does not stipulate the manner in which the reservation is to be applied and this is probably because, at that point in time, when the Governor's Order was promulgated in 2013, the consequences or issues which would arise as a result of the application of reservation in the matter of recruitment was not foreseen or was capable of being foreseen.

78. It is probably for this reason that the State Government proceeded to issue six Circulars, clarifying the way in which reservation was to be applied in the matter of direct recruitment. It is also to be kept in mind that the Governor's Order, as originally promulgated in 2013, did not contain a provision which enabled the State Government to interpret the



provisions of the Governor's Order in order to issue clarifications, and it was only by the amendment to the Governor's Order in 2014 that the State was enabled to issue clarifications.

79. The very purpose of providing an enabling provision to interpret and issue clarifications was obviously because it was realized that the Government would face various issues when the provisions of the Governor's Order was to be implemented and the fact that the State Government has issued six clarifications from 2015 is, by itself, a testimony to this fact.

80. As noticed above, Article 371J only provided for reservation of a proportion of the posts to the persons from the Hyderabad-Karnataka region, and thus, the Constitutional intent was to ensure that a proportion of the posts in the region were required to be set apart only for persons from the local region. It was not and it could not be the intent of Article 371J that the persons from the Hyderabad-Karnataka region should be deprived of an opportunity to seek employment to all the posts available in the State, in the same manner as any other person hailing from other parts of the State possessed.



81. The State Government, while inviting applications for both local cadre and non-local cadre posts, was required to enable the local persons to apply for both the local cadre posts and also the non-local cadre posts. The State Government had no authority to restrict the right of the persons hailing from the local region to apply for non-local cadre posts. The State Government, in the guise of obtaining options for allotment in the local cadre, post recruitment, could not obviously deprive the local persons of their right to seek for appointment in the non-local cadre.

82. The State Government, by mandating the exercise of an option by the local persons, was giving them a Hobson's choice. A candidate had to necessarily exercise his option and by exercising his option, he was basically being pigeon-holed into the local cadre and was, thereby, leaving the non-local cadre only for the persons hailing from regions other than the Hyderabad-Karnataka region.

83. If a candidate chose to opt for a non-local cadre post, the chances of him securing employment in the non-local cadre would be lesser if he was not as meritorious as candidates



hailing from regions other than that of Hyderabad-Karnataka. A non-local person, by definition, is a person hailing from a developed region as compared to a local person who hails from the Hyderabad-Karnataka region, which is constitutionally recognised as being backward and which needs certain special provisions to uplift it.

84. It is also to be borne in mind that at the time of making the application, a person from the Hyderabad-Karnataka region would be unaware of his own merit and about his prospect of securing a selection under either the local cadre or the non-local cadre, and would, thus, be in a disadvantageous position. It is only after his merit is discovered after the result of the competitive examination is declared, would a local person be in a position to make an informed decision to choose either under the local cadre or the non-local cadre.

85. The State, though went back and forth in the matter of issuing a single notification for both local and non-local cadre posts and issuing separate notifications for both cadre posts, has, ultimately and hopefully, realised that the issuance of separate notifications and adopting separate recruitment



processes for the local and non-local cadre posts was more advantageous to a local person hailing from the Hyderabad-Karnataka region and was in line with the constitutional intent underlying Art 371J. This decision of the State Government cannot, therefore, be found fault with. In fact, there is no challenge to this decision of the State Government to issue separate recruitment notifications and have separate recruitment processes.

86. If the principle of issuing separate recruitment notifications and having separate recruitment processes, ultimately results in achieving the true intent of Article 371J, the consequences of the options exercised under certain Notifications, issued between the period 06.06.2020 and 15.06.2022, on the local persons hailing from the Hyderabad-Karnataka region was gravely prejudicial to them and it obviously required the State Government to address them so as to ensure that their chances of securing employment was not adversely affected merely because they were compelled to exercise their choice to choose their cadre at the time of applying.



87. It is for this reason that the State Government has clarified, by the impugned Circular dated 01.02.2023, that even in respect of the notifications issued during the period between 06.06.2020 and 15.06.2022, the options exercised had to be ignored and the local candidates were first required to be considered against the non-local cadre and if they were unsuccessful, their candidature was required to be thereafter considered in respect of the local cadre posts. This decision of the State Government, which was designed to ensure that the chances of a local candidate did not stand diminished by virtue of his forced exercise of an option at the time of making an application cannot be found fault with, at all.

88. Since, in this case, the recruitment notification was issued on 24.01.2022 i.e., between the aforementioned period of 06.06.2020 to 15.06.2022, the same would have to abide by the directions issued in the impugned Circular dated 01.02.2023.

89. The cases relied upon by the petitioners cannot be accepted since the facts in the above-mentioned cases are vastly different and do not relate to the issues involved in the



case at hand. In none of the cases, there existed a situation which dealt with the manner in which recruitments made under a provisions similar to Art 371J was involved.

90. In the case of **Indra Sawhney**<sup>20</sup>, a 9 judge bench of the Apex Court has declared the law that candidates from reserved category would have to be first considered in the General Category and if they were found eligible for selection in the General Category, they were to be fitted into the General Category and it was only if they were unsuccessful in the General Category could they be considered in the Reserved category. This has also been reiterated in the case of **K. Shobana** (*supra*).

91. The impugned Circular dated 01.02.2023 has basically been issued keeping in mind this principle and there can, thus, be no illegality or infirmity in the circular dated 01.02.2023.

92. The arguments advanced that there was a "change in the rules midway" by issuance of the Circular dated 01.02.2023, whilst the process of recruitment was underway and thus, the Circular was illegal, cannot be accepted at all.

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<sup>20</sup> Indra Sawhney Vs. Union of India, AIR 1993 SC 477.



93. Admittedly, the eligibility criteria for applying remained the same for all candidates and the selection criteria i.e., comparative merit on the basis of the marks secured in the competitive examination, remained the same for all the candidates. Thus, the essential attributes for being considered for recruitment remained unchanged for all the candidates throughout the recruitment process and, therefore, the contention that there were changes in the rules midway, cannot be accepted.

94. In the instant case, the only change brought about is the manner in which the reservation was to be applied for local persons under Article 371J. As stated above, the candidates from the Hyderabad-Karnataka region were admittedly entitled to compete against the persons hailing from the non Hyderabad-Karnataka region and therefore, there was no question of any seats being reduced in the non-local cadre or any change in the seat matrix for persons hailing from non Hyderabad-Karnataka region. The exercise of an option by a local person from the Hyderabad-Karnataka region to opt for his local cadre was only a probability that a post may become available to a non-local person. It is also to be borne in mind



that a local person hailing from the Hyderabad-Karnataka region also had a choice to opt for the non-local cadre, if he was found eligible, and thus, the possibility of a post becoming available was a mere chance and this cannot, in any way, be construed as “a change in the rules midway” scenario.

95. In fact, in the case of **Anupal Singh**<sup>21</sup>, the Apex Court dealt with an issue pertaining to a change in the number of vacancies initially declared due to a miscalculation of the number of seats, which was different from the number of subsequently corrected vacancies. It has been observed that the doctrine of “Change in the Rules of the Game” only applies when there is a change in the eligibility itself, while the recruitment process is in progress, and not in cases where the vacancies have either decreased or increased.

Having considered this, I am of the view that the writ petitions have to be ***dismissed***.

#### **E. Conclusion:**

96. For the reasons stated above, there is no merit in these writ petitions, and they are, therefore, ***dismissed***.

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<sup>21</sup> Anupal Singh & Ors. v. State of UP & Ors., (2020) 2 SCC 173.



97. However, notwithstanding the dismissal of the writ petitions, in my considered view, having regard to the fact that the present imbroglio occurred solely due to the reversal of decisions by the State Government, which gave rise to an expectation for the non-local candidates of securing a chance of an employment, it would be just and necessary, in the peculiar facts and circumstances of this case, to issue certain directions in respect of the vacancies pertaining to the Assistant Engineers posts.

98. It is to be stated here that in respect of the Junior Assistants posts, this situation of posts being vacant in the local cadre does not exist and it is only in respect of the posts of Assistant Engineers there exists a situation where there are vacancies in the local cadre.

99. These directions are being given in the background of the fact that there are posts of Assistant Engineers in the local cadre which are lying unfilled in respect of Assistant Engineers and there are a large number of eligible candidates from the non-local region waiting for employment in the non-local cadre. It is to be borne in mind that we are living in a time where the



chances of securing an employment are scarce and by the time the next recruitment takes place, many, if not most of the candidates, would become ineligible. I, therefore, as an extraordinary measure, deem it just and proper, only in case of Assistant Engineer posts, to:

- a. Direct the State and the KPTCL to treat this as an exceptional case and ask for a fresh option from the local persons hailing from the Hyderabad-Karnataka region who have been found eligible for selection in the non-local cadre, as to whether they would be willing to opt for the local cadre;
- b. Direct the KPTCL to consider the local persons exercising such an option to choose the local cadre, and then select them against the posts in the local cadre;
- c. Direct, as a result of this opting by the local persons into the local cadre (notwithstanding the fact that they were entitled to be selected to the non-local cadre posts), if corresponding vacancies become available in the non-local cadre posts, the



State and the KPTCL shall then offer these vacancies to non-local candidates on the basis of merit;

- d. Make it clear that the selection of the local candidates to the non-local cadre shall be made only if they wish to choose the non-local cadre and they shall not be compelled to opt for the local cadre.
- e. Make it clear that no local persons who are found in the provisional select list as of now shall be displaced from the list by reason of the local persons opting for the local cadre under the process directed above. If a situation arises wherein a local person may be displaced from the list of the local cadre posts, the persons from the non-local cadre posts who had opted for the local cadre shall be continued in the non-local cadre only.
- f. Direct that if the local persons are not entitled to be selected to the local cadre posts, they would have



to be necessarily considered against the local cadre posts.

- g. Direct that in the event it is found that no vacancies arise in the local cadre posts, even after the exercise of options from local persons to opt for the local cadre is concluded, the vacancies shall be carried forward as backlog vacancies, as provided in the Governor's Order.

100. It is once again reiterated that the above mentioned directions are being issued as an exceptional measure given the fact that the situation was brought about by the reversal of the decisions of the State after the issuance of the Notification.

101. Though these petitions are dismissed, subject to the above directions, post these matters for reporting compliance of these directions on **18.12.2023**.

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

PKS  
List No.: 1 Sl No.: 2