



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14<sup>TH</sup> DAY OF SEPTEMBER, 2023



PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT APPEAL NO. 587 OF 2023 (GM-CC)

**BETWEEN:**

SRI SATISH CHOUDAPPA HONNALI,  
S/O SRI. CHOUDAPPA HONNALI,  
AGED ABOUT 49 YEARS,  
OCC. TRAFFIC CONTROLLER,  
KSRTC DAVANAGERE DIVISION,  
HARIHAR DEPOT.

...APPELLANT

(BY SRI. R G HEGDE.,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY TO DEPT,  
OF REVENUE, M.S. BUILDING,  
BENGALURU-1.
2. ADDITIONAL DIRECTOR GENERAL OF POLICE  
DIRECTORATE OF CIVIL,  
RIGHTS ENFORCEMENT,  
PALACE ROAD, BENGALURU-1.
3. THE SUPERINTENDENT OF POLICE  
DIRECTORATE OF CIVIL,  
RIGHTS ENFORCEMENT,  
DAVANAGERE-577502.





4. THE DEPUTY DIRECTOR,  
SOCIAL WELFARE DEPARTMENT,  
HAVERI-581 110.
5. THE DIVISIONAL CONTROLLER,  
K.S.R.T.C,  
DAVANAGERE-577 502.

...RESPONDENTS  
(BY SMT.NILOUFER AKBAR.,ADDL GOVERNMENT ADVOCATE  
FOR R1 & R4)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT,1961 PRAYING TO CALL FOR THE RECORDS AND PROCEEDINGS, SET ASIDE THE ORDER DATED 12-04-2023 IN WRIT PETITION 24978 OF 2022 PASSED BY THE LEARNED SINGLE JUDGE IN SO FAR IT RELATES TO THE OBSERVATION "NEEDLESS TO STATE THAT IN THE EVENT OF ANY IRREGULARITY IN THE CASTE OF THE PETITIONER, THE ORDER WILL NOT COME IN THE WAY OF ANY ACTION THAT MAY BE INITIATED IN ACCORDANCE WITH LAW" AND ALLOW THIS WRIT APPEAL IN THE INTEREST OF JUSTICE.

THIS APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** DELIVERED THE FOLLOWING:

**ORDER**

1. This intra Court appeal seeks to call in question a learned Single Judge's order dated 12.04.2023 entered in appellant's W.P No.24978/2022 (GM-CC), whereby an enquiry relating to his social status came to be voided on



the ground that the District Verification Committee after enquiry has issued the Validity Certificate dated 04.11.1999. Appellant is happy with the quashment of the enquiry; however, he grieves against that part of the impugned order which reserves liberty for an enquiry '*in the event of any irregularity in the caste of the petitioner, this order will not come in the way of any action that may be initiated in accordance with law*'.

2. Learned counsel for the appellant argues that such liberty was not to be accorded to the Authorities and therefore, to that extent the impugned order is unsustainable. Learned Additional Government Advocate appearing for the respondents opposes the appeal contending that even in the absence of reserving such a liberty in so many words, discretion lies with the Authorities to initiate action under the provisions of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment, etc.), Act,



1990 and the Rules promulgated thereunder. So contending she seeks dismissal of the appeal.

3. Having heard the learned counsel for the parties and having perused the appeal papers, we decline indulgence in the matter broadly agreeing with the submission of learned AGA. Wherever a certificate of social status is obtained in violation of law or by playing fraud or is granted by mistake, ordinarily proceedings are permissible under the provisions of the 1990 Act and the Rules promulgated thereunder, subject to all just exceptions. Learned Single Judge keeping this mind has rightly reserved liberty to the Authorities concerned.

4. The submission of learned Senior Advocate appearing for the appellant that once the Validity Certificate is issued, never there can be any enquiry in any circumstance, appears to be too broad proposition of law. One immediate example for faltering such a broad statement is the ground of fraud. The Apex Court in ***S.P.CHANGALAVARAYA NAIDU vs. JAGANNATH, (1994) 1***



**SCC 1**, has observed that fraud vitiates everything. If a certificate of social status is secured by playing fraud, the same can be rescinded in an appropriate proceeding by the jurisdictional authorities. Therefore, the Validity Certificate cannot be construed as a China Wall that prevents any action being taken.

5. There is yet another reason for our declining interference in this appeal. At para 4 of the impugned order, learned Single Judge has recorded the very submission of learned counsel appearing for the appellant in the writ petition. The same reads as under:

*"Learned counsel for the Petitioner vehemently objected to grant such specific liberty contending it is always open to the Appointing Authority to initiate action if any irregularity is noticed and no specific liberty is required to be granted in the present case."*

What is recorded above is the very submission of the counsel. What is obvious needed no obviatio, is true. However, such obviatio is innocuous and therefore, cannot be a ground for appeal.



In the above circumstances, this appeal being devoid of merits is liable to be and accordingly dismissed costs having been made easy.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

Snb/  
List No.: 1 Sl No.: 12