

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1<sup>st</sup> DAY OF OCTOBER, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No.18327 of 2023 (EDN-RES)

**BETWEEN:**

MS. SANJANA RAGHUNATH,  
D/O RAGHUNATH S.K.,  
AGED ABOUT 18 YEARS,  
No.G-204, PURVA FAIRMONT APARTMENT,  
II SECTOR, 24<sup>TH</sup> MAIN,  
HSR LAYOUT,  
BENGALURU-560102.

...PETITIONER

(BY SRI SRIKANTH M. P., ADVOCATE)

**AND:**

- 1 . THE KARNATAKA EXAMINATION AUTHORITY,  
18<sup>TH</sup> CROSS, SAMPIGE ROAD,  
MALLESHWARAM,  
BENGALURU-560012.  
REPRESENTED BY ITS  
EXECUTIVE DIRECTOR.
- 2 . YOUTH SERVICES AND SPORTS DEPARTMENT  
YAVANIKA, K.R.CIRCLE,  
BENGALURU-560001.  
REPRESENTED BY ITS COMMISSIONER.
- 3 . NATIONAL MEDICAL COMMISSION,  
POCKET-14, SECTOR-8,  
DWARKA PHASE-1,  
NEW DELHI-110077.  
ALSO AT  
SATARKTA BHAWAN,  
G.P.O COMPLEX,

BLOCK A, INA,  
NEW DELHI-110023.

- 4 . STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,  
MEDICAL EDUCATION DEPARTMENT,  
VIKASA SOUDHA,  
DR. AMBEDKAR ROAD,  
BENGALURU-560001.
- 5 . THE DIRECTOR OF MEDICAL EDUCATION  
1<sup>ST</sup> FLOOR, FORT,  
K.R.ROAD,  
BENGALURU-560002.
- 6 . ALL INDIA CHESS FEDERATION  
ROOM No.70,  
JAWAHARLAL NEHRU STADIUM,  
CHENNAI-600003  
TAMILNADU.

...RESPONDENTS

(BY SRI N.K. RAMESH, ADVOCATE FOR R1;  
SRI N. KHETTY, ADVOCATE FOR R3;  
SRI M.N. SUDEV HEGDE, AGA FOR R4 & R5;  
VIDE ORDER DATE 12.10.2023 NOTICE  
TO R6 IS HELD SUFFICIENT;  
SRI S.Y. SHIVALLI, ADVOCATE FOR PROPOSED R7, 9, 11 & 12;  
PROPOSED R10 SERVED AND UNREPRESENTED;  
MS. SNEHA V.K., ADVOCATE FOR  
SRI H.S. VIVEKANANDA, ADVOCATE FOR PROPOSED R13)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS AND DIRECT THE FIRST AND SECOND RESPONDENTS TO CONSIDER THE REPRESENTATION DATED 14.08.2023 AND 16.08.2023 VIDE ANNEXURE-N, N1, P, P1 AND P2 AND FURTHER PROVIDE THE PETITIONER PREFERENCE P-I IN ACCORDANCE WITH RULE 9(1)(B) OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS RULES, 2006 AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE  
N. V. ANJARIA  
and  
HON'BLE MR. JUSTICE K. V. ARAVIND

**C.A.V. JUDGMENT**

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard learned advocate Mr. M.P. Srikanth for the petitioner, learned advocate Mr. N.K. Ramesh for respondent No.1, learned advocate Mr. N. Khetty for respondent No.3, learned Additional Government Advocate Mr. M.N. Sudev Hegde for respondent Nos.4 and 5.

**Factual matrix**

2. The petitioner is a chess player and has participated in various State/National and International Chess events. She has participated in the 32<sup>nd</sup> National U-13 Open and Girls Chess Championship 2018, the 7th National School Chess Championship 2018, the Asian Youth Chess Championship 2018, and the Common Wealth Chess Championship 2018.

3. It is stated that petitioner represented India in Asian Youth Chess Championship 2018 through All India Chess Federation and won Medal. It is the case that players participating in the Asian Youth Championship are through sponsorship by the All India Chess Federation.

4. The petitioner aspiring to become a Doctor, appeared in the National Eligibility-cum-Entrance Test (UG Examination of 2022-2023). The petitioner is stated to have scored a good rank in the NEET. The petitioner filed an application seeking admission in Government seats in Medical Colleges against the quota reserved for sports. It is the case that the petitioner that she is to be considered as preference P-I or P-III candidate, however she is given P-V and placed at Sl. No.9 in the provisional eligibility list. It is stated that the representations to various authorities remained unsuccessful.

5. The impleading application on record indicates that during the pendency of this petition, the admission to the sports quota seats were filled. It is stated that the petitioner was admitted to the MBBS Course on a Private Seat.

6. The prayer in the writ petition is to consider her case against seat reserved for sports quota.

7. The respondent No.1-KEA has filed a statement of objections. It is contended that admission to the Academic Year 2023-24 is complete and the petitioner is studying at Sapthagiri Institute of Medical Sciences, Bengaluru. The petitioner cannot be

considered under the Sports quota as the same affects the entire selection process.

8. It is contended that the list of eligible candidates is prepared by the State and the KEA merely allotted seats. It is further stated that the petitioner was allotted a seat under the P-V category; in view of the option preferred to participate in the next round, she was allotted a seat in Sapthagiri Medical College.

9. The respondent state has filed a statement of objections dated 19.08.2024. It is stated that the list of eligible candidates is prepared as per Rule 9(1)(B) of the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institution Rules, 2006 (for short 'Rules 2006'). It is stated that the performance of the candidates is considered for the study period between 8th Standard to 12<sup>th</sup> Standard.

10. It is stated that, as per the Circular dated 23.06.2023, participation and winning medals would be considered between 01.06.2018 and 31.03.2023; any achievement thereafter is not considered.

11. It is further contended that participation in the Asian Youth Chess Championship 2018 in Thailand is on invitation and does not

represent the country. The same cannot be considered while evaluating eligibility and preference.

12. In rejoinder, the petitioner has contended that Chess competitions are conducted by the Federation/Association/Organization as recognized by the Government, and the candidates selected by such federations and participating in international events is to be considered as representing the country. The All India Chess Federation regulates chess activities in India and is recognized by the Government. Participation in international events as authorized by All India Chess Federation is to be considered as representing the country.

### **Submissions**

13. Sri. M.P. Srikantha learned advocate appearing for the petitioner would submit that the selection of candidates for admission against seats reserved for sports quota is prescribed by Rules 2006. It is submitted that Clause (B) to sub-rule (1) to Rule 9 of Rules 2006 provides the formula to select eligible candidates under the sports category. It is contended that the petitioner has participated and won medals in Asian Youth Chess Championship 2018 and is to be considered under P-I category. In support of such contention learned advocate refers to Schedule II to Rules

2006. It is submitted that the certificate issued by respondent No.6 would show that the petitioner represented India. It is further submitted that the eligible sports activities are to be considered while studying 8th to 12th standards. It is contended that if not in P-I the petitioner should be placed under P-III category.

14. It is contended that the Circular providing a cut-off date between 01.06.2018 to 31.05.2023 is contrary to the Rules 2006. The Circular is dated 23.06.2023. The cut off date is unilateral and in exercise of arbitrary power and without any basis.

15. Sri. N. K. Ramesh, learned advocate appearing for respondent No.1, submits that the list of eligible candidates under the sports quota as provided by the State Government is considered. Accordingly, seats are allotted. This respondent has no role in preparing the list of eligible candidates. It is further submitted that the entire academic year is over and the allotted candidates are pursuing their academic in the 2nd year MBBS, any disturbance would prejudice their academic interest. It is further submitted that the petitioner is admitted to MBBS course under the Management quota. The academic carrier of the petitioner has not suffered. It is further submitted that if the petitioner is considered in

the sports quota, the last candidate admitted would be displaced and irreparable hardship would be caused to that candidate.

16. Sri. M. N. Sudev Hegde, learned Additional Government Advocate, submits that the certificate for participation or winning a medal in a competitions on invitation cannot be considered as representing the State or the Country. It is submitted that the sports certificate for the period 01.06.2018 to 31.05.2023 would be considered to review sports performance. The sports certificates prior to 01.06.2018 cannot be considered and the performance for five years cannot be reviewed. It is submitted that revising the eligibility list would affect the eligible candidates who have secured admissions and are pursuing their selected courses.

17. Considered the submissions of learned advocates for the parties.

### **Analysis**

18. The petitioner's academic eligibility to pursue MBBS is not disputed. The only issue to be considered by the Court is the priority as provided in Rules 2006. The two aspects that are required to be considered and answered by the Court,

- (i) The relevancy of the certificates issued by the Chess Association and Chess Federation.



(ii) The correctness of cut off date as fixed in the Circular dated 23.06.2023.

19. It is to be noted that the national sports policy was formulated in 1984. The All India Chess Federation (AICF) came into existence as per the policy. The policy was refurbished in 2001, as a result of which autonomous National Sports Federations (NSF), affiliated with State and district-level Associations, were formed. The NSF was recognized by the Ministry of Youth Affairs and Sports Development under order dated 14.01.2010.

20. The role of NSF is the Management and Development of Sports with autonomous status in association with the Government and other Federations/Associations. The NSF is tasked with the selection, training and other aspects of the candidates for National/International events. The sports persons under the policy are provided with incentives, social reorganization, awards and honours, avenues of employment and other benefits.

21. The petitioner claims to have participated in National and International events through the AICF. The Chess Federation of India is member of FIDE. The AICF is recognized federation by the Government of India. The document at Annexure-E indicates that

the Thailand Chess Association, along with the Asian Chess Federation and FIDE, has invited the Chess Federations to participate in the Asian Youth Chess Championship, 2018. The players, as selected by the Chess Federation, are considered and permitted to participate in the Championship.

22. The communication at Annexure-F addressed to the Royal Thai Consulate/Embassy from AICF consists list of candidates selected to participate in Asian Youth Chess Championship, 2018. In the list, the petitioner finds place. Another document released by Thailand Chess Association is the list of candidates who participated is also on record. The list includes the petitioner.

23. The petitioner claims benefit of the certificate at Annexure-D1, 7th National School Chess Championship, 2018 which is conducted in association with All Orissa Chess Association and AICF. In the light of the finding that participants would be allowed to participate in the federation as nominated by the Associations, the participation of the petitioner is through the Association affiliated to AICF.

24. The Constitution and bylaws of AICF is available on record. As per the bylaws, AICF is a Society registered under the Societies

Registration Act, 1860, with objects to promote the chess game. The bye-laws further provide that AICF is Apex body to organize National and International Chess Championships. The AICF can select teams to represent India and maintain a National rank list of players. The State Chess Associations are affiliated members. The AICF is a member of the Federation International Des Echecs (FIDE), the International Chess Federation or World Chess Federation. It is further provided that any chess competition is through AICF. The bye-laws further refer to the mandate of the Government of India that foreign passport holders cannot play under the Indian banner, and candidates selected for the tournament by the AICF would represent India. The bye-laws further provide basis for selecting candidates for India's tournaments and to represent India.

25. The above aspects and the bye-laws would indicate that the candidates representing in the competitions at State level, National level and International level would be selected by the State Federation or All India Chess Federation. The petitioner having been selected by the All India Chess Federation to participate in 7th National Chess Championship, 2018 and Asian Youth Chess Championship, 2018, is to be considered as representing the

Country. The certificate issued by the All India Chess Federation dated 09.11.2023 certifying the special entry of the petitioner in the Asian Youth Chess Championship 2018 would support the aforesaid view.

26. The respondent-State except contending that the participation in 7th National Chess Championship 2018 and Asian Youth Chess Championship 2018 is on invitation and not representing the State or the Country, no material is placed on record to show any other mechanism, how the candidates are selected in Chess tournaments to represent the State or the Country. In the absence of any specific rule or guidelines made available to the court, the petitioner's contention that candidates selected by the All India Chess Federation would represent the country needs acceptance.

27. Turning to the other aspect, the selection of candidates under the sports quota is governed by Rules 2006. Clause (B) to sub-rule (1) to Rule 9 of Rules 2006 prescribes the procedure and the requirement. The candidate to be considered eligible, the representation, and medals should be during the five-year study period in Karnataka between 8th to 12th standards. The above criteria is uniform for all the five categories.

28. The state government has come up with a circular that is said to be a prescription to select eligible candidates. Clause (1) of the communication considers the athlete period of five years from 8<sup>th</sup> to 12<sup>th</sup> standard. Clause (2) provides a cut off date of sports certificates from 01.06.2018 to 31.05.2023. Clause (3) provides to consider sports performance through the National Sports Federation as recognized by Ministry of Youth Affairs and Sports.

29. It is not in doubt that All India Chess Federation is recognized by the Ministry of Youth Affairs and Sports. The certificate issued by AICF on the participation of the petitioner in Asian Youth Chess Championship 2018 would evident representing the Country. In the light of the aforesaid reasons, the Certificate of Winning issued by Asian Youth Chess Championship, 2018 at Thailand is while representing the country.

30. As per Rule 9 read with Second Schedule, the Asian Championship is in the list of Super-A Games. The candidate who has won a medal while representing the country in the Super-A Games is to be categorized as P-I.

31. Another issue vehemently contested by the parties is on the cut-off date. Learned Additional Government Advocate contends

that the correspondence dated 23.06.2023 is a Circular. The text of the communication reads as a clarification of the criteria. The said communication further refers to the requirement of achievements for the years 8th to 12th standard. This requirement is as per Rules 2006. The cut off date brought in is without any basis. It is noticed that the communication dated 23.06.2023 does not refer to any statutory provision under which such an exercise can be undertaken.

32. The requirement of achievements for the year 8th to 12th standard is mandated under Rule 9 of Rules 2006. Any exception can be as provided under the relevant Rules or any other statutory provisions. The communication dated 23.06.2023 is without any source of power to issue the same.

33. The settled position that the Circular should complement the statutory requirement and not contradict needs no further reiteration or discussion. The communication dated 23.06.2023 cannot have an overriding effect on Rule 9 of Rules 2006. In that view of the matter, the reliance by the State on cut off date as provided in communication dated 23.06.2023 is not sustainable.

34. The outer limit provided in the communication dated 23.06.2023 is 31.05.2023. When the required five-year period is complete, bringing in new Rule is impermissible. If the prescription of cut off date after the period of five years as contemplated is accepted, the same would allow to change the Rules of the game after its starts, which is not permissible.

35 The Executive opinion cannot override the legislative decision. Circular dated 26.03.2023 is only opinion of the Executive branch would be hardly relevant if the same is in conflict with the Rule. Further the clarification as claimed cannot have retrospective effect, without such specification.

36. In the light of the aforesaid discussions, the Court is of the view that the respondent-State has committed a serious error in placing the petitioner in the category P-V if not in P-I as contended. The exercise to find out as to the petitioner would fit into P-I or P-III category would be an academic exercise in view of the foregoing reasons. In that view , the Court refuses to undertake such an academic exercise. However, it is to be reiterated that the respondent-State committed an error in categorizing the petitioner as P-V.

37. The wrong categorization of the petitioner has caused serious hardship. Once the Court finds that the State's incorrect or unjustifiable stand/decision has caused serious hardship to the petitioner, it is for the Court to find a solution to mitigate the hardship, if not to completely remove the same.

38. Rule 9(1)(B) of Rules 2006 prescribes preference among the candidates with categorization for admission under the Preferential Quota. The category is referred to as P-I to P-V. The eligibility of the petitioner under sports quota is not in dispute. The dispute is to the categorization. The petitioner claims recategorization as P-I or P-III. Whereas the respondent state has categorized the petitioner as P-V. The respondent-State while categorizing the petitioner as P-V has not considered the Winning Certificate issued by Asian Youth Chess Championships, 2018 in April 2018 for two reasons. Firstly, the participation is not while representing India; secondly, the participation is before the cut-off date, i.e. 10.04.2018.

39. The Court in the earlier part of this order concluded that prescribing cut-off date is unsustainable and the eligibility and categorization has to be considered in terms of Rule 9(1)(B) of Rules 2006. Having regard to the said finding, now it is to be seen whether the categorization of the petitioner as P-V is justified.



Even this issue is held that the petitioner is to be considered as P-I by considering the Winning Certificate issued by the Asian Youth Chess Championship, 2018.

40. Due to the reasons recorded by the Court as above, the categorization of the petitioner as P-V is on the face of it illegal. The respondent authorities have committed serious errors either due to non-application of mind or the arbitrary exercise of the power. This action of the respondent authorities has deprived the petitioner's aspiration to pursue MBBS Course under Government seat reserved as sports quota.

41. The Court has noted that the petitioner is pursuing MBBS Course in a private seat. Due to the arbitrary action of the respondent-authorities, the ambition of the parents and the student in pursuing sport activity to claim incentive of preference for admission is totally scattered.

42. The Court is bound to recognize the volume of time and money spent on pursuing the sport, apart from sacrificing academic training. Another aspect to be noticed and recognized is the moment of pride for the nation that was brought about by winning the certificate.

43. After having held that the petitioner is required to be considered under P-I category and having regard to the fact much progress has taken place, wherein the petitioner is pursuing her MBBS Course and the seats reserved for sports quota are filled, the interest of the petitioner as well as the interest of the candidates who have secured admission is to be balanced. If the direction is issued to consider the petitioner under sports quota as P-I category, the admissions already concluded would be disturbed. Further, the seat that the petitioner is pursuing would be vacant if she were to shift her admission to the sports quota. Similarly, one of the candidates admitted under sports quota would be displaced. While redressing the grievance, the time constraints and the consequences are to be noted. In that view, disturbing the admissions already finalized is neither permissible nor prudent.

44. Once the Court holds that the action of the respondent-State has resulted in suffering to the petitioner, applying the test of time constraints, the petitioner cannot be denied of redressal of sufferings. Once the remedy of admission under the sports quota is not viable, the other method to remedy the grievance is with adequate compensation.

45. In ***Manoj Kumar vs. Union of India, [2024 OnLine SC 163]***,

the Hon'ble Supreme Court held as,

"20. ... the primary duty of constitutional courts remains the control of power, including setting aside of administrative actions that may be illegal or arbitrary, it must be acknowledged that such measures may not singularly address repercussions of abuse of power. It is equally incumbent upon the courts, as a secondary measure, to address the injurious consequences arising from arbitrary and illegal actions. This concomitant duty to take reasonable measures to retribute the injured is our overarching constitutional purpose. ..."

46. In ***S. Krishna Sradha vs. State of Andhra Pradesh and Others [(2020) 17 SCC 465]***,

"13.3. In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the

next academic year out of the seats allotted in the management quota.

13.4. Grant of the compensation could be an additional remedy but not a substitute for restitutorial remedies. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year."

47. In ***National Medical Commission vs. Mothukuru Sriyah Koumudi and others, [(2021) 14 SCC 805]***,

"13. The next point that arises for our consideration is whether Respondent 1 can be left high and dry in spite of having suffered due to the illegal action of Respondent 2 College in denying admission to her. ..."

"16. As the last date for admissions for the present academic year is 30-8-2020, we are not inclined to grant admission to Respondent 1 for this academic year. Even if the admission of Respondent 5 is cancelled as having not been in accordance with the Regulations, it would not be of any use to Respondent 1 or to any other eligible candidate. Furthermore, the High Court is right in holding that Respondent 5 might not have known about the denial of admission to Respondent 1 illegally. Though we disapprove the practice of Respondent 2 College in picking up students for granting admission without following the merit list, we do not seek to disturb the admission granted to Respondent 5.

17. Respondent 2 College adopted unfair means to deprive Respondent 1 admission to postgraduate course. Respondent 1 has lost one precious academic year for no fault of hers for which she has to be compensated by way of an

amount of Rs. 10 lakhs to be paid by Respondent 2 College within a period of four weeks from today. Furthermore, Respondent 1 is entitled for admission to the MS (General Surgery) course in the next academic year 2021-2022 and shall be given admission in a seat allocated to Respondent 2 College. In other words, one seat in MS (General Surgery) course from the management quota of Respondent 2 College for the next academic year (2021-2022) shall be granted to Respondent 1."

48. In the light of the judgments referred to supra, no relief of admission under sports quota can be accommodated to the petitioner either in the same academic year or any other. In the peculiar circumstances, the additional remedy to award compensation can be considered. The information available would indicate that the amount of fee fixed for admission to Government Medical College was Rs.50,000/-. The Fee for government seats in private medical colleges is Rs.1,40,000/-, whereas for private seats is Rs.11,88,000/-. In the event, the petitioner was considered under P-I category, she would be eligible to secure admission either in Government college or a government seat in a private college which would not have exceeded Rs.1,44,000/- per year. As per the pleadings, the petitioner is admitted in a private college on a private seat.

49. The petitioner is compelled to pay approximately Rs.11,88,000/- per year. The additional financial burden on the petitioner to spend a higher amount for her MBBS Course is a result of the action of the authorities being arbitrary and in breach of the rules and regulations, which affected the rights of the petitioner and her further prospects.

50. On examination of the surrounding circumstances, the petitioner has to be compensated by awarding monetary compensation. The petitioner would be entitled to compensatory amount. She is compelled to pay more fees for her MBBS Course and the amount of fees would have been less if her claim of preference under the sports quota was not wrongly denied.

51. In almost similar circumstances, The Hon'ble Supreme Court in ***Mothukuru Sriyah Koumudi*** (*supra*) considered compensation of Rs.10,00,000/- reasonable. Similarly, the petitioner shall be entitled to compensation not less than Rs.10,00,000/-. The cascading effect on the career of the petitioner is due to the arbitrary exercise and the wrong interpretations made by the State Government. It is stated that the list of eligible candidates is prepared by the Ministry of Youth and Sports. The State Government through its department responsible for preparing list of

eligible candidates under the sports quota is to be directed to bear the costs.

52. Interim Application to implead the candidates admitted in sports quota is filed. The Court is not in favour of disturbing the admitted candidates due to the passage of time and for the reasons stated in the previous paragraphs. As the admission status of the proposed impleading applicants is not disturbed, the impleading application merits no further consideration. In that view, the Court has not recorded any finding on the contentions raised by the impleading applicants. The admission of the impleading applicants is held to be as not disturbed.

**Conclusion:**

53. The overall consideration of the facts, material on record and the attendant circumstances, it has to be held and observed that the participation of the petitioner in Asian Youth Chess Championship 2018 is while representing India. Further, the winning in Asian Youth Chess Championship 2018 is in a Super-A games under Schedule-II to Rule 2006. The petitioner is therefore declared to be eligible to be categorized as P-I, and the categorization of the petitioner as P-V was wrong in view of the Rules and the same is unsustainable. The Circular 23.06.2023 is

declared as without competence and contrary to Rule 9(1)(B) of Rules 2006.

54. The petitioner was denied the opportunity to be admitted as a P-I candidate. The petitioner is entitled to compensation of Rs.10,00,000/-.

55. For the aforesaid reasons, the writ petition is allowed to the extent that the respondent-State is directed to pay compensation of Rs.10,00,000/- within six weeks from the date of service of this order.

In view of disposal of main petition, pending I.A.No.1 of 2023 is disposed as not surviving.

**Sd/-  
(N. V. ANJARIA)  
CHIEF JUSTICE**

**Sd/-  
(K. V. ARAVIND)  
JUDGE**

MV