

**IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL
AT BENGALURU**

DATED: THIS THE 15th DAY OF SEPTEMBER, 2026

P R E S E N T

**HON'BLE Dr. JUSTICE H.B.PRABHAKARA SASTRY.,
OFFICIATING CHAIRMAN**

&

**HON'BLE Mr. RAGHAVENDRA AURADKAR., ADMINISTRATIVE
MEMBER**

APPLICATION NUMBER 1904 OF 2026

Smt. Ankitha Manya Shivam,
D/o Munithippanna,
Aged about 41 years,
R/at No.315, 2nd Main Road,
2nd Stage, KHB Colony,
Basaveshwara Nagar,
Bengaluru North-560079.

...APPLICANT

(Sri Ranganatha S Jois & Sri S.Y. Rodagi, Advs. for applicant)

VERSUS

1. The State of Karnataka,
Rep. by its Principal Secretary,
Department of Health and
Family Welfare, M.S. Building,
Bangalore-560001.
2. The Commissioner of Food Safety and
Drug Administration Department,
Palace Road, Bangalore-560001.
3. The Karnataka Public Service Commission,
Udyoga Soudha, Park House Road,
Bengaluru-560001,
Rep. by its Secretary.

...RESPONDENTS

(Sri Neelakantappa K Pujar, High Court Government Pleader for
respondent Nos.1 & 2;
Sri Shafeer A.A, Adv. for respondent No.3)

This Application is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to direct the respondent, particularly to the 2nd respondent, to consider her case for issuance of order of appointment and the posting and counselling without insisting on production of Caste and Income Validation Certificate.

This Application coming on for Hearing, having been heard and reserved for pronouncement of orders, this day, the **HON'BLE Dr. JUSTICE H.B.PRABHAKARA SASTRY, OFFICIATING CHAIRMAN**, made the following:

ORDER

The applicant has filed this application seeking a direction to the respondent, particularly to the 2nd respondent, to consider her case for issuing an order of appointment, posting and counselling without insisting on production of Caste and Income Validation Certificate.

2. The summary of the case of the applicant is that she was one among the candidate for selection and appointment to the post of Drug Inspector in pursuant to the Notification issued by the 3rd respondent on 23.03.2018 (Annexure-A1). She appeared for the written examination and her name appeared in the Revised Final Select List published on 22.01.2026 by the 3rd respondent (Annexure-A2). It was shown in the said list that the applicant has been selected under GM/2A/W category with total score of 198.0000 marks, which is 44.0000%. Still, she was not issued with order of appointment and was asked to produce the Caste Validity Certificate as a requirement before issuing the

appointment order. In that regard, she gave a representation dated 12.02.2026 to the 2nd respondent contending that since she has been selected under General Merit category and has not availed any benefit under reservation quota, she should not be insisted to produce the Caste Validity Certificate (Annexure-A3). However, no action was taken on her representation. In the meanwhile, the respondents have started the process of issuing appointment orders and posting of other candidates. Contending that in a similar circumstances this Tribunal in its order dated 24.09.2020 passed in Application No.1814 of 2020 was pleased to hold that when a candidate though claims reservation in the application but selected under the General Merit category, they need not have to produce any Validity Certificates, and also contending that since her securing marks is more than the cut-off marks of the last candidate in General Merit, she has been selected under General Merit category, for which, she need not have to submit the Caste and Income Validation Certificate, has prayed to allow the application.

3. Respondent Nos.1 and 2 appearing through the learned High Court Government Pleader have filed their reply statement, wherein they have taken a specific contention that the applicant had applied claiming reservation under 2A category with fee concession. As per the direction of the 2nd respondent, all the

candidates who had claimed reservation under categories such as SC, ST, Category-I, 2A, 3A and 3B, irrespective of whether they were ultimately selected under Reservation Category or under General Merit, were directed to produce the requisite Caste and Income Validity Certificates. A copy of the letter by the 2nd respondent dated Nil is produced at Annexure-R1. They also contended that Rule 9 of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment, etc.) Rules, 1992 (for brevity, 'SC/ST Reservation Rules, 1992') mandates that no person who claims reservation shall be appointed to a service or a post under the Government or public sector establishment without production of the Validity Certificate. They have contended that in response to the representation given by the applicant dated 13.02.2026 (Annexure-R2), the 2nd respondent wrote a letter to the applicant on 16.03.2026 (Annexure-R3) bringing to her notice that in order to consider her representation, the applicant has to submit the information along with necessary documents to show that from the date of filing of her application till her selection, she has not received any benefit/facilities of service. In case if she has not availed any such benefits, she has to file an affidavit in that regard. The applicant submitted vide her reply dated 23.03.2026 (Annexure-R4) that she had paid a fee concession of

₹300/-. She also produced a copy of Demand Draft as per Annexure-R5. Respondent No.2 once again sought clarification from the applicant vide his Communication dated 07.04.2026 (Annexure-R6). The applicant submitted her reply on 22.04.2026 by filling up the format as per Annexure-R7. Thus, stating that since the applicant has availed a fee concession under 2A category she is not eligible to be appointed under General Merit category, respondent Nos.1 and 2 have prayed to dismiss the application.

4. Respondent No.3 in its reply statement has explained the process it followed in order to select the applicant under GM/2A/W category in the Revised Final Select List dated 22.01.2026. Finally, stating that the 3rd respondent being a mere selection authority conducted the selection process as per the rules laid down by the Government and the applicant having applied under 2A/PH reservation category has been considered and selected under GM/2A/W category, as such, it is mandatory to obtain the Validity Certificate, respondent No.3 has prayed to dismiss the application.

5. Heard arguments from both sides.

6. Learned counsel for the applicant and learned counsels for respondent Nos.1 to 3 reiterated the contentions taken up by

them in their Memorandum of Application and in their reply statement, respectively, even in their arguments also.

7. Learned counsel for the applicant also contending that in a similar case this Tribunal in Application No.1814 of 2020 in its order dated 24.09.2020 pleased to allow the application with a direction to the respondents to issue appointment order to the applicant therein, has prayed to allow the present application also. He gave more emphasis on the point that admittedly the applicant after selection and in response to the query made by respondent No.2 had submitted a sworn affidavit to the respondents relinquishing her claim under 2A category throughout her service, as such, said affidavit, which is produced by the respondents themselves, to be considered and since she has secured more marks than the cut-off marks of the last candidate under General Merit category and has been selected under General Merit category, respondents be directed to issue the appointment order under General Merit category.

It is an admitted fact that the application of the applicant seeking appointment to the post of Drug Inspector was under the reserved category of 2A. However, in the Revised Final Select List published on 22.01.2026 by the 3rd respondent, the applicant was selected under GM/2A/W category with a total score of 198.0000 marks, which is 44.0000%. Still, she was not

issued with an order of appointment for the reason that she did not produce Caste Validity Certificate. Her representation to the respondents to the effect that since she was selected under General Merit Category, based upon her marks secured in the written examination, the production of Caste Validity Certificate need not be insisted was not considered by the respondents.

8. Admittedly, the applicant had secured higher marks than the last candidate selected under General Merit Category. As could be seen from the revised final selection list, the cut-off marks of the last candidate to the post of Drug Inspector under General Merit Category in Residual Parent Cadre, a copy of which is at Annexure-A6, was 189. Admittedly, the marks secured by the applicant, as could be seen from the revised final select list at Annexure-A2, is 198.0000. As such, the applicant has secured more marks than the last candidate in General Merit category. Thus, her selection was also made under General Merit category only.

9. A similar question arose before this Tribunal in Application No.1814/2020 in ***Girish G. Vs. The Director of Municipal Administration and Another***, wherein also the applicant, who had initially applied for the post of Chief Officer Grade-I under 3A category, was selected under General Merit Category. Still, the appointing authority insisted for Caste Validation Certificate, which was challenged by the applicant before this Tribunal. In

the said case also, the respondents took a contention that apart from the applicant not producing Caste Validation Certificate while making an application, he had claimed concession of fee and paid ₹150/- as against ₹300/- fixed for General Merit candidate and he had also participated in the selection process as a candidate belonging to Category 3A. Still, admittedly, he was selected under GM/3A/Others category by virtue of his merit. After hearing both sides, this Tribunal in its order dated 24.09.2020 observed that verification of category certificate of a reserved candidate after his appointment against General Merit post is nothing but harassment of candidate. After referring to another case of a similar circumstance before this Tribunal in Application No.4602/2017 (**Marigadeppa K. v. State and Others**) disposed of on 01.06.2018, wherein it was held that no Caste Validation Certificate/Validation is necessary for candidates who claim reservation but selected under General Merit category, and also relying upon the judgment of the Hon'ble Apex Court in **Vikas Sankhala v. Vikas Kumar Agarwal** reported in (2017) 1 SCC 350, which was referred in **Pradeep Singh Dehal v. State of Himachal Pradesh** reported in ((2019) 9 SCC 276), wherein it was observed that migration from reserved category to general category shall be admissible to those reserved category candidates who secured more marks obtained by the last

unreserved category candidates who are selected, subject to the condition that such reserved category candidates did not avail any other special concession, was pleased to observe that the stand taken by the 1st respondent therein that since the applicant belongs to 3A category and has made application claiming reservation under that category, as such, the validation was mandatory was untenable in law. Even the contention of the 2nd respondent (KPSC) therein that since the applicant availed concession in fee while making application by paying lesser pay vis-à-vis the fee for General Merit candidates and also participated in selection process as a candidate belonging to 3A category, as such, he cannot later claim exemption from validation was also held untenable. With the said observations, this Tribunal directed the 1st respondent therein to issue appointment order to the applicant pursuant to his selection under General Merit category.

10. Similarly, in ***Sri Virupakshappa Saravoonda Vs. The State of Karnataka and Others*** passed in Application No. 139/2022, this Tribunal in its order dated 09.09.2022 was pleased to observe that there was no bar under the General Recruitment Rules to fill up a post reserved under GM-PH with a candidate who had sought reservation under 1A category and PH quota but vice versa is not permitted. Therefore, if the applicant

fulfils all other conditions and has merit, his case could be considered under GM/PH (hearing impaired) quota.

11. With the above observations as squarely applicable to the case on hand also, as observed above, even though the applicant had applied under 2A category, however, her selection in the revised final select list was under General Merit category. Admittedly, she has scored higher marks than the cut-off marks of the last candidate in the general merit category. More importantly, the very Notification dated 23.03.2018 (Annexure-A1), under which the applicant has applied for the post, in Point No.7, while mentioning about the Caste/Reservation Certificates has clearly stated that the eligible candidates for document verification should produce the originals of the certificates which are to be in force as on the last date of filing application without fail, failing which, the reservation for those candidates would be cancelled and their candidature should be considered under the general merit category, if they are eligible. The said specific instruction in the recruitment notification itself makes it clear that merely because a candidate who has not produced certificate of caste or validity certificate would not be automatically rejected and his candidature is required to be considered under General Merit.

12. In the instant case, admittedly, the very selection of the applicant itself is under General Merit

category though she had applied under Reservation category. More importantly, the applicant is not seeking any facilities or benefits under the reservation quota. The affidavit filed by her before the respondents, a copy of which is produced at Annexure-A12 along with her representation dated 23.03.2026, which annexure is produced through a memo dated 27.04.2026 clearly go to show that the applicant has sworn to an affidavit calling it as an undertaking letter, where she has categorically stated that she was selected to the post of Drug Inspector under General Merit category and has not made use of any reservation facilities. She has specifically undertaken that in her service carrier throughout her entire life time she would not claim the benefit of reservation under 2A category for any purpose and in any manner and that she would permanently relinquish the said facility. Even while claiming promotion also she would not claim the reservation benefit under 2A category and request the appointing authority to mention in her service book that she is a General Merit candidate. This undertaking affidavit, wherein the applicant has permanently and forever relinquished her claim in her entire service for any benefit under reservation and when admittedly she was selected under general merit category, we find no reason for the respondents for insisting her to produce the Caste Validation Certificate, which serves no purpose and which

direction is also with no purpose. Under these circumstances, denying the applicant an opportunity to be appointed as a Drug Inspector, for which she is otherwise eligible, would be denial of justice to her. Accordingly, we proceed to pass the following:

ORDER

- (i) The application stands allowed.
- (ii) The respondents, more particularly respondent Nos.1 and 2 are directed to issue appointment order to the applicant to the post of Drug Inspector in pursuant to the Notification dated 23.03.2018 (Annexure-A1) under the General Merit category without insisting for the production of her Caste Validation Certificate under 2A category, provided she is otherwise eligible for the same.
- (iii) The selection and appointment of the applicant is to be taken as a selection and appointment under General Merit category, as such, the applicant is not entitled for any benefits under reservation policy except as a General Merit Candidate throughout in her service with respondent Nos.1 and 2 Department and under the present selection.

(iv) In order to avoid future multiple litigation, it is also held that the applicant is entitled for notional fixation of salary from the date when the other candidates under the General Merit category under the same Notification dated 23.03.2018 were appointed to the same post of Drug Inspector by respondent Nos.1 and 2. So also, her seniority too to be considered from the date when her immediate junior in the general merit category has joined the service as a Drug Inspector under the same notification.

(v) Time for compliance is four months from the date of receipt of a copy of this order.

Sd/-
(Dr. JUSTICE H.B.PRABHAKARA SASTRY)
OFFICIATING CHAIRMAN

Sd/-
(RAGHAVENDRA AURADKAR)
ADMINISTRATIVE MEMBER

NK*