

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

DATED: THIS THE 25th 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 2569 OF 2026

Smt. N. Pruthvi,
W/o G.M. Thippeswamy,
Aged about 43 years,
R/at No.8A-Surabhi,
Herohalli Extension,
Bengaluru-560091.

...APPLICANT

(Sri Kantharaj H, Senior Advocate for
Sri Ravi H.K, Advs. for applicant)

VERSUS

1. The State of Karnataka,
By its Principal Secretary,
Health and Family Welfare Department,
Vikasa Soudha,
Bengaluru-560001.
2. The Commissioner and
Appointing Authority,
Food Safety and Drug Administration,
Palace Road,
Bengaluru-560001.

...RESPONDENTS

(Sri G. Ramesh Naik, Additional Government Advocate for
respondents)

This Application is filed by the applicant under Section 19 of
the Administrative Tribunals Act, 1985, with a prayer to direct

the respondents to issue appointment order to the applicant to the post of Drug Inspector pursuant to her selection under General Merit (GM/2A-W) as per the Official Memorandum of the 2nd respondent dated 02.02.2026 (Annexure-A5) without insisting upon production of caste validity certificate and also to quash an Endorsement dated 01.06.2026 issued by the 2nd respondent (Annexure-A16).

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 respondents to issue appointment order to the applicant to the post of Drug Inspector pursuant to her selection under General Merit (GM/2A-W) as per the Official Memorandum of the 2nd respondent dated 02.02.2026 vide Annexure-A5 without insisting upon production of caste validity certificate and also to quash an Endorsement bearing No.ಆಸುಔಇ/ಸಿಬ್ಬಂದಿ/49/2026 dated 01.06.2026 issued by the 2nd respondent vide Annexure-A16.

2. The summary of the case of the applicant, which is not disputed by the respondents, is that she was one among the candidate for selection and appointment to the post of Drug Inspector in pursuance to the Notification issued by the Karnataka Public Service Commission (for brevity, 'KPSC') on 23.03.2018 (Annexure-A1). She belonging to Kuruba Caste, as such, coming under 2A category, submitted her application

seeking appointment to the post of Drug Inspector under 2A category. Copies of the case certificate and the application submitted by her are produced as Annexures-A2 and A3 respectively. Subsequently, she underwent selection process by appearing in the recruitment examination and personality test and secured 203 marks in the examination with 45.1111% and was shown as selected under GM/2A/W category in the revised final select list dated 22.01.2026 (Annexure-A4). She was also called for producing her original documents for verification on 09.02.2026 by the 2nd respondent under its letter dated 02.02.2026 (Annexure-A5).

It is further the case of the applicant that she was waiting for her appointment order to the post of Drug Inspector, however, she received a communication from the 2nd respondent vide its letter dated 07.04.2026 (Annexure-A6) calling upon her to furnish the information sought in the form enclosed therewith to ascertain if she had obtained any benefit of age relaxation provided to the backward classes, fee concession while submitting application and such other benefits/concession/relaxation in the recruitment process. She furnished the necessary information vide reply dated 13.04.2026 and contended that she would not be termed to have availed any benefits/concession/relaxation with regard to her age or marks

and that she had paid the prescribed fee of ₹300/- payable by Kuruba 2A category candidate as there is no option to pay general category fee in the website and she was prepared to pay necessary fee, if any, to match the general category fee. A copy of the reply dated 13.04.2026 is produced at Annexure-A7. In spite of the same, the 2nd respondent without any justification withheld the appointment order to be issued to her, even though junior to her in merit list were issued with appointment orders. She submitted representations dated 21.04.2026 to the 1st respondent and dated 26.03.2026, 01.04.2026 and 24.04.2026 to the 2nd respondent seeking issuance of appointment order (Annexures-A8 to A11 respectively). On 01.06.2026 the 2nd respondent issued an Endorsement (Annexure-A16) reiterating its insistence upon production of caste validity certificate and stated that the applicant has not furnished the information sought pursuant to the Communication dated 07.04.2026. Thereafter, she submitted one more representation dated 11.06.2026 (Annexure-A17). Since she was not granted with the appointment order, she has approached this Tribunal. The applicant contending that the act of the 2nd respondent insisting for the production of caste validity certificate is against the law and judicial precedents, has prayed to allow the application.

3. Respondents then being appearing through learned High Court Government Pleader have filed their common 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 written by the 2nd respondent dated Nil is produced at Annexure-R1. The respondents 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.

Respondents have further stated that the applicant submitted the prescribed declaration along with her letter dated 13.04.2026 (Annexure-R4). Copies of the declarations and representations along with copy of an affidavit filed by the applicant are produced at Annexures-R2 to R6. They further

contended that the applicant's own declaration clearly established that she paid only the concessional application fee applicable to 2A category and thus, availed the benefit of fee concession available to backward class candidates. Thus, she had paid application fee of ₹300/- instead of prescribed general merit fee of ₹600/-. Thus, stating that since the applicant has availed a fee concession under 2A category she is not liable to be appointed under General Merit category, respondents have prayed to dismiss the application.

4. Heard arguments from both sides.

5. Learned senior counsel appearing for learned counsel for the applicant and learned Additional Government Advocate, who was then representing respondents, reiterated the contentions taken up by them in their Memorandum of Application and in their reply statement, respectively, even in their arguments also.

6. Learned senior counsel for the applicant also contending that in a similar case this Tribunal in A.No.2146 of 2020 in **Anil Shivananda Karajagi Vs. The Commissioner of Excise and Others**, in its order dated 18.11.2020, was 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 also relied upon a final order of

this Tribunal in ***Smt. Ankitha Manya Shivam Vs. The State of Karnataka and Others*** passed in A.No.1904 of 2026 order dated 15.09.2026, and contended that in a similar case under the very same notification to the post of Drug Inspector, this Tribunal has allowed the application and had directed the respondents therein to consider the case of the applicant for issuance of appointment order to the post of Drug Inspector 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. He gave more emphasis on the point that admittedly the applicant after selection and in response to the query made by respondent No.2, 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 been selected under General Merit category, respondents be directed to issue the appointment order under General Merit category.

7. 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 (Annexure-A4) by the KPSC,

the applicant was selected under GM/2A/W category with a total score of 203.0000 marks, which is 45.1111%. 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. As could be seen from the Revised Final Select List (Annexure-A4), the cut-off marks of the last candidate to the post of Drug Inspector under General Merit Category in Residual Parent Cadre was 189. Admittedly, the marks secured by the applicant, as could be seen from the revised final select list at Annexure-A4, is 203.0000. 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. This Tribunal in **Anil Shivananda Karajagi's** case (supra), wherein the question of denial of appointment order to the post of Excise Guard (Men) in Excise Department, who had originally applied under 2A category but was selected under General Merit category in Residual Parent Cadre, on the ground that he had not furnished Caste Validity Certificate though had obtained fee concession on the application fee, this Tribunal following the decision in A.No.1814 of 2020 (*GIRISH G. v. DIRECTOR OF MUNICIPAL ADMINISTRATION AND ANOTHER*) was pleased to hold that verification of Caste Certificate was not required when a candidate is selected under General Merit category (Annexure-A13). The final order passed by this Tribunal in the above said A.No.2146 of 2020 on 18.11.2020 was not interfered with by the Hon'ble High Court of Karnataka at Bengaluru in its order dated 17.06.2021 passed in Writ Petition No.4918 of 2021 (S-KSAT), which was filed by the respondents in A.No.2146 of 2020, rather it directed the writ petitioners before it to comply with the order passed by this Tribunal within 30 days from the date of the order by granting appointment to the 1st respondent before it (Annexure-A14).

12. 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.

13. 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 by the respondents with their reply statement at Annexure-R2 along with her representation dated 26.03.2026, clearly go to show that the applicant has sworn to an affidavit, wherein 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 career throughout she would not claim the benefit of reservation under 2A category for any purpose and in any manner and that she would go under the stream of general merit during her entire service career. 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 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*