

Shruthi G vs Chethan K

Shruthi G vs Chethan K

SooperKanoon Citation : sooperkanoon.com/1748753

Court : Karnataka

Decided On : Nov-05-2025

Judge : Anu Sivaraman,Rajesh Rai K

Appeal No. : WA/1155/2023

Appellant : Shruthi G

Respondent : Chethan K

Judgement :

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2025 PRESENT THE HON'BLE MRS. JUSTICE ANU SIVARAMAN AND THE HON'BLE MR. JUSTICE RAJESH RAI K WRIT APPEAL NO. 1155 OF 2023 (S-RES) C/W. WRIT APPEAL NO. 1204 OF 2023 (S-RES) WRIT APPEAL NO. 1220 OF 2023 (S-RES) WRIT APPEAL NO. 1403 OF 2023 (S-RES) WRIT APPEAL NO. 1607 OF 2023 (S-RES) WRIT APPEAL NO. 80 OF 2024 (S-RES) WRIT APPEAL NO. 516 OF 2024 (S-RES)

IN WA NO.1155 OF 2023: BETWEEN: 1 . SHRUTHI G., W/O SATHEESHA G A, AGED ABOUT 32 YEARS, R/O GUDDENAHALLI VILLAGE, KASABA HOBALI, VALAGEREMENASA POST

KRISHNARAJAPETE TALUK, MANDYA-571 426. 2 . DEEPIKA M., D/O MURTHY L N., AGED ABOUT 25 YEARS, NO 144/25/1, 5TH MAIN, 8TH CROSS, GANESH BLOCK, NANDINI LAYOUT, BANGALORE NORTH-560 096. ...APPELLANTS (BY SMT. S. SUSHEELA, SR. COUNSEL A/W SRI. SUHAS G., ADVOCATE FOR - SRI. SRINIVASAN RAO C.N., ADVOCATE) AND:

1. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/o BHAGAWATHI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103.

2. THE KARNATAKA POWER TRANSMISSION CORPORATION LTD., REP. BY ITS MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009.

3. KARNATAKA EXAMINATION AUTHORITY, BY ITS EXECUTIVE DIRECTOR, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012. RESPONDENTS

(BY SRI. PRITHVEESH M.K., ADVOCATE FOR C/R1, SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R2, SRI. N.K. RAMESH, ADVOCATE FOR R3) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS APPEAL BY SETTING ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.4572/2023 DATED 22.08.2023 AND ALLOW THIS APPEAL. IN WA NO.1204 OF 2023: BETWEEN:

1. SRI. SANTHOSH KUMAR .M, S/O MANI SHANAKR .A, - AGED ABOUT 32 YEARS, RESIDING AT NO 188, 3RD CROSS, E BLOCK BDA LAYOUT, LINGARAJAPURAM, BENGALURU NORTH, BENGALURU-560 084.

2. SRI. MUSTAFA, S/O MOINODDIN, AGED ABOUT 26 YEARS, RESIDING AT BICHKATTI, NEAR POCHAMMA TEMPLE, GARAGAPALLI, CHINCHOLI, KALABURGI-585 305.

3. MRS. SUPRIYA SAJJAN, W/O HARISH K N, AGED ABOUT 34 YEARS, RESIDING AT NO. 1134, VISVESHVARAYA LAYOUT, 8TH BLOCK, GIDADA KONENAHALLI, BENGALURU-560 091.

4. SRI. PRADEEP, S/O VAIJANATH ALLURE, AGED ABOUT 28 YEARS, RESIDING AT HOUSE NO. 1 891 4 AND 5, SUKHA DHAAMA, 1ST CROSS, GANESH NAGAR, JEWARGI ROAD, KALABURGI-585 102.

5. SRI. CHENNAPPA, S/O HANAMANTRAY JALIBENCHI, AGED ABOUT 29 YEARS, RESIDING AT 2/119, NEAR BASAVESHWAR TEMPLE, DYAMANAL POST, KAMANATAGI HUNASAGI, YADGIR-585 291.

6. MS. DEEPANJALI, D/O VITHAL, - AGED ABOUT 26 YEARS, RESIDING AT HOUSE NO 2 911/4/8, SARVODAYA NAGAR, BEHIND AMBEDKAR HOSTEL, RAJAPUR ROAD, KALABURGI-585105.

7. SRI. BHEEMANNA, S/O MANAYYA, AGED ABOUT 31 YEARS, RESIDING AT H NO E/2, NEAR GOVT. PRIMARY SCHOOL, SHANTAPUR, POST TINTINI, SHORAPUR, YADGIR- 585 290.

8. MS. SHRADDHA, D/O CHANNAPPA, AGED ABOUT 28 YEARS, RESIDING AT EWS 102, 2ND PHASE, NEAR BRAHMAKUMARI ASHRAM, ADARSH NAGAR, KALABURGI-585 105.

9. SRI. DURGADAS R KAMBOJI, S/O RAJENDRA KAMBOJI, AGED ABOUT 29 YEARS, RESIDING AT 589/B/1, AT POST DESHANUR, NEAR CANARA BANK BAILHONGAL, BELAGAVI-591 147. 10 . MS. SUMA ANGADI, D/O SANGAPPA ANGADI, AGED ABOUT 24 YEARS, RESIDING AT WARD NO 25, KALAKALESHWARA KRUPA, THALEDA

LAYOUT, KUSTAGI ROAD, KOPPAL-583 231. 11 . MS. ROOPA N R, D/O RAVINDRANATHA N B, - AGED ABOUT 24 YEARS, RESIDING AT MYLARA SADHANA, NEAR JGNAJYOTHI SCHOOL, VIJAYANAGARA EXTENSION, HULIYARU, C N HALLI TALUK, TUMUKURU-572 218. 12 . SRI. MALLIKARJUN, S/O DHULAPPA, AGED ABOUT 37 YEARS, RESIDING AT E/24, SANABO AT, POST SARADGI B, KALABURGI-585 308. 13 . MS. REKHA G D,

D/O DODDEGOWDA, AGED ABOUT 35 YEARS, RESIDING AT NO. 28, BEERESHWARA NILAYA, 2ND CROSS, NEAR INDIAN OIL PETROL BUNK, GORUR ROAD, BANASHANKARI LAYOUT, HASSAN-573 201. 14 . MRS. SHRUTHI B T, W/O MANJUNATH K, AGED ABOUT 32 YEARS, KEMPANA DODDERI, TUMKURU TALUK, KARNATAKA-572 138. 15 . SRI SIDDAPPA K YENDIGERI, S/O KALLAPPA, AGED ABOUT 32 YEARS, RESIDING AT TALAGIHAL, POST. ILAL, BAGALKOT TALUK, BAGALKOT-587 111. 16 . SRI PATELNAIK L, S/O LAKSHMIPATHINAIK, AGED ABOUT 29 YEARS, RA/T NO. 50/4, NEAR SEVALAL TEMPLE, - DOOPADAHALLI THANDA, DOOPADAHALLI POST, KOTTUR, VIJAYANAGAR-583 134. 17 . MS. KAVITA SUDDI, D/O AMBANNA SUDDI, AGED ABOUT 29 YEARS, RESIDING AT 9TH WARD, BASAVESHWARA NAGAR, NEAR SHARANABASAVESHWARA SCHOOL, KARATAGI, KOPPAL-583 229. 18 . MS. ARUNA D/O NAGANNA, AGED ABOUT 24 YEARS, RESIDING AT 31/D, AT/ POST NANDEPALLI, TQ/ GURUMITKAL, YADGIR-585 315. 19 . MS. ROHINI TALLUR, D/O BASAVARAJ, AGED ABOUT 27 YEARS, RESIDING AT HOUSE NO 16, PRABHU NAGAR, 2ND CROSS, MURAGOD ROAD, BAILHONGAL, BELAGAVI-591 102. 20 . MS. VARSHITHA Y, D/O YALLAPPA G, AGED ABOUT 25 YEARS, RESIDING AT NO. 7, SUNANDHA NILAYA, HANUMANTHA NAGAR, KEBEHALLA, OPPOSITE MUNESHWARA TEMPLE, SUNKADAKATTE, BENGALURU NORTH-560 091. 21 . SRI. SHASHIKUMAR, S/O MAHADEVAPPA, AGED ABOUT 31 YEARS, - RESIDING AT 6/12, GOKULA NAGAR, RAWOOR POST, CHITTAPUR TQ, KALABURGI-585

225. 22 . MS. NAGARATNA SHETTY, D/O MALLIKARJUN, AGED ABOUT 29 YEARS, RESIDING AT 6/100, AMBEKAR NAGAR, SHASTRI CHOWK, SHAHABAD, CHITTAPUR TQ, KALABURGI-585 228. 23 . SRI. SHASHI KUMAR NAIK A, S/O MAHADEVANAIAK A, AGED ABOUT 36 YEARS, RESIDING AT NO.72, MACHIHALLI THANDA, MACHIHALLI POST, HARAPANAHALLI, VIJAYANAGARA-583 131. 24 . MS. MANJULA DEVI S, D/O SRIRANGAPPA, AGED ABOUT 31 YEARS, RESIDING AT 33A JAGADAMBA NILAYA, KUVEMPUNAGAR NEAR, WIDIA SCHOOL, VIDYANAGAR BAGALAGUNTE, BANGALORE URBAN-560 073. 25 . MS. KANCHANA KESHAV PATGAR, D/O KESHAV H PATGAR, AGED ABOUT 29 YEARS, RESIDING AT PADUVANI POST PADUVANI KUMTA, UTTARA KANNADA-581 333. 26 . SRI. LAXMAN PAWAR, S/O RAMAKRISHNA, AGED ABOUT 29 YEARS, RESIDING AT GANJIPETH CHANNAPETH ROAD, OLD HUBLI, DHARWAD- 580 024. - 27 . MRS. KAVYA R, W/O PRAVEEN KUMAR M, AGED ABOUT 28 YEARS, RESIDING AT NO.254/B, 4TH CROSS, NAZARBAD, ITTIGEGUD, MYSURU -570 010. 28 . SRI. MANIKANTH S SOTTAPPANAVAR, S/O SHIVAPPA SOTTAPPANAVAR, AGED ABOUT 27 YEARS, RESIDING AT SHIVAJAYA NILAYA, AMBEDKAR NAGAR, HAVANUR ROAD, HAVERI-581 108. 29 . MS MADIHA ANJUM, D/O MOHAMMED KHALID N, AGED ABOUT 24 YEARS, R/AT NO 297/1, H P GALLI, BEHIND MAKAN, CHOWKIPETE, DAVANAGERE-577 001. 30 . MRS. AMBIKA, W/O SIDDARAJ SAJJAN SHETTY, AGED ABOUT 28 YEARS, RESIDING AT H NO.16, MURKI AT, POST MURKI, TQ KAMALNAGAR, DIST. BIDAR -588 417. 31 . SRI. SHRIKANT CHAVAN, S/O SHIVALAL CHAVAN, AGED ABOUT 26 YEARS, RESIDING AT NO.113, AT ANKALAGI POST, ANKALAGI, VIJAYAPURA-586 127. ...APPELLANTS (BY SRI. P.S. RAJAGOPAL, SR. COUNSEL FOR SRI. JAYANTH DEV KUMAR, ADVOCATE AND SMT. ASHWINI RAJAGOPAL, ADVOCATE, SMT. D.V. NIDHISHREE, ADVOCATE FOR A-15) - AND:

1. KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, CORPORATE OFFICE, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009, REPRESENTED BY ITS MANAGING DIRECTOR.

2. KARNATAKA EXAMINATION AUTHORITY, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012, REP. BY ITS EXECUTIVE DIRECTOR.

3. CHETHAN K., R/O BHAGAWATI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103. RESPONDENTS

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K. RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR C/R3, SRI. MUHAMMED SHAMIL, ADVOCATE FOR IMPLEADING AS PROPOSED RESPONDENTS ON IA. 3/2024) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, R/W RULE 26 OF THE WRIT PROCEEDINGS RULES, 1977, PRAYING TO SET ASIDE THE

ORDER DATED 22.08.2023 PASSED BY THE HON'BLE SINGLE

JUDGE IN WRIT PETITION NO. 4572 OF 2023 AND DISMISS THE WRIT PETITION AND GRANT ALL CONSEQUENTIAL RELIEFS AND ETC. - IN WA NO.1220 OF 2023: BETWEEN: SRI SRINIVAS MURTHY V, S/O VENKATARAJU, AGED ABOUT 27 YEARS, RESIDING AT DOOR NO.185, HONNASHETTARAHUNDI VILLAGE, HONGALLI POST, GUNDLUPET TALUK, CHAMRAJNAGAR DISTRICT, KARNATAKA-571 111. ...APPELLANT (BY SRI. KESHAV .M DATAR, ADVOCATE) AND:

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, DIRECTOR ADMIN AND HR, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009.

2. THE KARNATAKA EXAMINATION AUTHORITY, REP. BY ITS EXECUTIVE DIRECTOR, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-

560 012.

3. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/O BHAGAWATHI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103.

4. SRI. GIREESH PAVADASHETTY, S/O VISHWANATH PAVADASHETTY, AGED ABOUT 36 YEARS, R/AT HOYSALA HABITAT, D-201, NAGENAHALLI, BENGALURU-560 064. RESPONDENTS -

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K. RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR R3, SRI. J. PRASHANTH, ADVOCATE FOR C/R4) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA

HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE JUDGMENT

DATED 22.08.2023 PASSED IN W.P.NO.4572/2023 C/W W.P.NO.17481/2023 BY THE LEARNED SINGLE JUDGE AND ETC. IN WA NO.1403 OF 2023: BETWEEN:

1. SRI MAHESH, S/O SRI VIJAYKUMAR, AGED ABOUT 28 YEARS, R/AT 4/170, JAWAHAR ROAD, HUMNABAD, BIDAR-585 330.

2. SRI HANAMANT, S/O SRI RAMACHANDRA, AGED ABOUT 34 YEARS, R/AT HOUSE NO.103, NEAR HANUMAN TEMPLE, AT BAGDURI, POST MUDBI, BASAVAKALYAN, BIDAR-585 437.

3. SRI SIDDAPPA, S/O SRI NAGANNA, AGED ABOUT 33 YEARS, R/AT NO.1 360/A, AT BELOOR K, NEAR LAKSHMI TEMPLE, POST JEEVANAGI, KAMALAPURA, KALABURGI-585 313.

4. SRI KADLIBALA GURUNATHA, S/O SRI BASAVARAJA K, - AGED ABOUT 28 YEARS, R/A NO.75, 1ST WARD, NEAR NAGAPPANA KATTE, UPPAR STREET AGASI, PAPINAYAKANAHALLI, HOSPET, VIJAYANAGARA-583 223.

5. SRI SACHIN, S/O SRI BABURAO, AGED ABOUT 26 YEARS, R/A HOUSE NO.70, BHAVANI MANDIR ROAD, KAMTHANA, BIDAR-585 226.

6. SRI GANESH BABU K, S/O SRI RAMANJENEYULU, AGED ABOUT 32 YEARS, R/A INDIRA NAGAR, 2ND CROSS, 16TH WARD, NEAR GOVT. GUEST HOUSE, NEAR VISHAL NAGAR, 4TH CROSS, BELLARI-583 101.

7. SRI PRAVEENA KONGI, S/O SRI CHANDRASHEKHARA KONGI, AGED ABOUT 28 YEARS, R/A 5 1 88 25, BAPUJI ONI, NAAR GUNDA KRASS, DEVADURGA, RAICHUR-584 111.

8. SRI PRASHANTH J, S/O SRI NAGARAJ J, AGED ABOUT 25 YEARS, R/A DOOR NO.95, WARD NO.17, JANTHA COLONY, RICE MILL, ANANTHAPUR ROAD, BISANAHALLI, BELLARI-583 103.

9. SRI AKSHAYKUMAR M, S/O SRI KUMARASWAMY MATHAD, AGED ABOUT 26 YEARS, - R/A 204/7, SIDDESHWARA KURPA, SOMESHWARA NAGARA, KVOR COLONY, HAGARIBOMMANAHALLI, VIJAYANAGARA-583 212. 10 . SRI SHIVASHANKARA KARIAPPA PATIL, S/O SRI KARIAPPA AMBRAPPA PATIL, AGED ABOUT 29 YEARS, R/A HOUSE NO.50, NEAR HANUMAN TEMPLE, DONAMARADI POST, MALLADAGUDDA MASKI TALUK, RAICHUR-584 123. ...APPELLANTS (BY SRI. ADITHYA SONDHI, SR. COUNSEL FOR SRI. PARASHURAM A.L., ADVOCATE(VC)) AND:

1. KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, CORPORATE OFFICE, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009, REPRESENTED BY ITS MANAGING DIRECTOR.

2. KARNATAKA EXAMINATIONS AUTHORITY, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012, REPRESENTED BY ITS EXECUTIVE DIRECTOR.

3. SRI. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/O BHAGAWATI, BEHIND MIRJI PETROL BUNK, BATAWADI - TUMKUR-572 103. RESPONDENTS

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K. RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR R3) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE ORDER OF THE LEARNED SINGLE JUDGE DATED 22.08.2023 IN WRIT PETITION NO.4572/2023 (CONNECTED ALONG WITH WRIT PETITION No.2185/2023, WRIT PETITION No.2257/2023 AND WRIT PETITION No.17481/2023) AND CONSEQUENTLY DISMISS WRIT PETITION No.4572/2023 FILED BY RESPONDENT NO.3/PETITIONER. IN WA NO.1607 OF 2023: BETWEEN:

1. MANOJ BABU SUNAGAR, S/O. BABU SUNAGAR, AGED ABOUT 24 YEARS, R/O. NO.43, SAVANT ONI, NEAR CHURCH BIDI, KHANAPUR TALUK, BELAGAVI DISTRICT, KARNATAKA-591 106.

2. SHAMEED SABA, S/O. MURTHUJA SABA, AGED ABOUT 31 YEARS, R/O. WARD NO. 3, SANGAMESHWARA CAMP, VADDARAHATTI, GANGAVATHI TALUK, KOPPAL DISTRICT, KARNATAKA-583 235. ...APPELLANTS - (BY SRI. KIRAN .S. JAVALI, SR. COUNSEL FOR SRI. SRINIVASAN RAO C.N., ADVOCATE) AND:

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, REP. BY ITS MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009.

2. KARNATAKA EXAMINATION AUTHORITY, REPRESENTED BY ITS EXECUTIVE DIRECTOR, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012.

3. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/O BHAGAWATHI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103.
RESPONDENTS

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K.

RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR C/R3) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS APPEAL BY SETTING ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.4572/2023 DATED 22.08.2023 AND ALLOW THIS APPEAL. - IN WA NO.80 OF 2024: BETWEEN:

1. SRI. NAVEENKUMARA H .N, S/O NANJE GOWDA, AGED ABOUT 31 YEARS, R/A D NO 13, UDDINAMALLANA HOSURE, OOGINAHALLI POST, KIKKERI HOBLI, KRISHNARAJAPETE, MANDYA DISTRICT - 571 423.

2. SRI SHIVANAGOUDA S. BIRADAR,

S/O SIDDANAGOUDA, AGED ABOUT 29 YEARS, R/AT KUNTOJI - 586 245, DISTRICT-VIJAYAPUR (BIJAPUR). ...APPELLANTS (BY SRI. HALASHETTI JAGADISH SIDRAMAPPA, ADVOCATE) AND:

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, REP. BY ITS MANAGIND DIRECTOR AND CHIEF EXECUTIVE OFFICER, KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009.

2. KARNATAKA EXAMINATION AUTHORITY, REPRESENTED BY ITS EXECUTIVE DIRECTOR, SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012.

3. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, - R/O BHAGAWATHI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103. RESPONDENTS

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K. RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR R3) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE ORDER DATED 22.08.2023 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.4572/2023. IN WA NO.516 OF 2024: BETWEEN:

1. SRI. VEERABHADRAPPA DUNDAPPA KOKATANUR AGED ABOUT 37 YEARS, RESIDING AT DOOR NO. 136, JAMAKHANDI, ASANGI, BADAMI, BAGALKOT DISTRICT, KARNATAKA-587 311. ...APPELLANT (BY SRI. KESHAV M. DATAR, ADVOCATE) AND:

1. THE KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, DIRECTOR ADMIN & HR KAVERI BHAVAN, K.G. ROAD, BANGALORE-560 009.

2. THE KARNATAKA EXAMINATION AUTHORITY, REPRESENTED BY ITS EXECUTIVE DIRECTOR, - SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM, BENGALURU-560 012.

3. CHETHAN K., S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/O BHAGAWATHI, BEHIND MIRJI PETROL BUNK, BATAWADI, TUMKUR-572 103.

4. SRI. GIREESH PAVADASHETTY, S/O VISHWANATH PAVADASHETTY, AGED ABOUT 36 YEARS, R/AT HOYSALA HABITAT, D-201, NAGENAHALLI, BENGALURU-560 064. RESPONDENTS

(BY SRI. S.S. NAGANAND, SR. COUNSEL FOR SMT. SUMANA NAGANAND, ADVOCATE AND SRI. A. CHANDRACHUD., ADVOCATE FOR R1, SRI. N.K. RAMESH, ADVOCATE FOR R2, SRI. PRITHVEESH M.K., ADVOCATE FOR R3, SRI. J. PRASHANTH, ADVOCATE FOR R4) THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS APPEAL BY SETTING ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.4572/2023 C/W WP NO.17481/2023 DATED 22.08.2023. THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 03.09.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, ANU SIVARAMAN J., PRONOUNCED THE FOLLOWING: CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN and

HON'BLE MR. JUSTICE RAJESH RAI K

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CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN) These appeals are preferred against the common

judgment dated 22.08.2023 passed by the learned Single

Judge in Writ Petition No.2185/2023 c/w. Writ Petitions No.2257/2023, 4572/2023 and 17481/2023 (S-RES). The Writ Petitions were filed by the candidates, who had appeared in the selection conducted for appointment of Junior Assistant Electrical in the Karnataka Power Transmission Corporation Limited ('KPTCL' for short).

2. We have heard Shri. P.S. Rajagopal, learned

senior counsel as instructed by Shri. Jayanth Dev Kumar and Smt. Ashwini Rajagopal, learned Advocates, Smt. S. Susheela, learned senior counsel as instructed by Shri. Suhas. G, learned Advocate, Shri. Adithya Sondhi, learned senior counsel as instructed by Shri. Parashuram. A.L, learned Advocate, Shri. Kiran S. Javali, learned senior counsel as instructed by Shri. Srinivasan Rao C.N, learned Advocate, Smt. D.V. Nidhishree, learned counsel, Shri. Keshav. M. Datar, learned counsel, Shri. Halashetti Jagadish - Sidramappa, learned counsel appearing for the appellants. Shri. S.S. Naganand, learned senior counsel as instructed by Smt. Sumana Naganand, learned Advocate and Shri. A. Chandrachud, learned counsel appearing for KPTCL, Shri. N.K. Ramesh, learned counsel appearing for Karnataka Examination Authority. Shri. Prithveesh M.K., learned counsel and Shri. J. Prashanth, learned counsel appearing for the respondents. Shri. Muhammed Shamil, learned counsel appearing for impleading as proposed respondents in I.A.No.3/2024 in W.A.No.1204/2023.

3. The questions which arise for consideration in these appeals are:-

(i) Whether the KEA, which was entrusted with the work of conducting the selection had the power to conduct a revision of an answer key duly finalized in accordance with the notification?

(ii) Whether the select list prepared on the basis of the revised answer key is to be acted upon? -

(iii) Whether the persons already appointed on the basis of the revised select list are to be sent out of service?

4. The short facts require for a consideration are as

follows:- The KPTCL issued a notification dated 01.02.2022 calling for applications to various posts. The qualifications for the posts and the conditions for recruitment were detailed in the Notification. The appellant as well as the private respondents were applicants to the post of Assistant Engineer (Electrical). It is submitted that an examination had conducted on 24.07.2022. The test was an Optical Mark Recognition (OMR) based aptitude test. The provisional answer key was published on 25.08.2022. Objections to the provisional answer key were to be submitted on or before 5:30 p.m. on 02.09.2022. Thereafter, final answer key was also published on 27.12.2022. The provisional score list of eligible candidates was published on 03.01.2023 on the basis of the finalized answer key. Objections were invited to the said list as well. On the basis of objections preferred by - large number of candidates to the provisional select list raising specific objections to the finalized answer key.

5. It is submitted that on the basis of complaints

received as against the finalized answer key, the KEA decided to reassess the entire evaluation process and referred the entire papers to a body Of Subject Experts, who after verification, came to the conclusion that there was a typing error in Question No.35 and an ambiguity in Question No.76. It accordingly recommended awarding of grace marks. On the basis of the opinion of the subject experts, a revised provisional merit list was published and submitted by the KEA to the KPTCL. The said provisional merit list contained the names of 636 candidates. The said revision of the final answer key and the provisional merit list prepared pursuant thereto were challenged by persons who were included in the provisional score list dated 03.01.2023, but who did not obtain employment because of the revision of the finalized answer key. They contended that the KEA had no jurisdiction to review the finalized answer key on the basis of objections received to the provisional score list. It - was contended that since a provisional answer key had been issued and objections were called for which had to be filed before

02.09.2022 and since the final key answer had been published on 27.12.2022, there was no power in the KEA to refer the matter to an Expert Committee or to issue a revised provisional merit list on the basis of the corrected marks.

6. The KEA defended their action stating that after

the answer key was finalized and a provisional score list was prepared; more than 900 objections had been received to the finalized answer key. It was further stated that one Siddappa K. Yandigeri had filed W.P.No.100378/2023 before the High Court of Dharwad seeking awarding of grace marks to Question No. 26, 94 and 96 of version 'B1' and the High Court had disposed of the writ petition by judgment dated 23.01.2023 directing the KEA to consider the representation filed by the petitioner within four weeks.

7. Further, it is submitted that the KEA had found

that in the light of the vast number of representations - received, the matter requires a re-consideration. It is therefore contended that the constitution of a Committee of Subject Experts for consideration of the objections raised was incidental and well within the powers of the KEA and was intended only to see that the most meritorious candidates were selected. The learned Single Judge considered the contentions advanced and found that the only question to be decided is whether the KEA possessed the power to refer the objections raised by the candidates to a Committee of Subject Experts after the finalized key answers were published.

8. The learned Single Judge found that the Subject

Expert Committee had considered the objections raised pursuant to the publication of finalized answer keys. The authority had issued a press note specifically stating that objections would be received to the provisional answer key only till 05:30 p.m. on 02.09.2022 and that the finalized answer key published after considering the objections to the provisional answer key would be final. The learned Single Judge therefore found that once the finalized answer key - had been published there was no power in the KEA to consider any objections to the said finalized answer key or

direct to accept the recommendation of the Subject Expert Committee for awarding of grace marks. The answer keys published on 04.02.2023 and the provisional merit list published on the basis of the same on 04.02.2023 were therefore quashed. The KPTCL was directed to proceed on the basis of the provisional score list of eligible candidates dated 03.01.2023 and to conclude the process of selection within a period of four months.

9. The learned senior counsel appearing for the

appellants would contend that the persons whose names were included in the second provisional merit list dated 04.02.2023 were not made parties to the writ petition at all. It is contended that the KEA had admittedly received more than 900 objections to the finalized answer key published on 27.12.2022. The Dharwad Bench of this Court had also directed the consideration of the representation preferred by one candidate alleging that the finalized answer key contained errors. Further, it is contended that there is no - contention that any of the revised key answers were wrong and the KEA had not acted on its own accord and had referred the matter to the Special Committee of Subject Experts whose recommendations were accepted by the KEA.

10. It is submitted that the Second Expert Committee

Report has not been challenged and there is no error attributed to the same. It is submitted that the exercise undertaken by the KEA was therefore bonafide and that there is no express bar provided in the notification or elsewhere on the powers of the KEA to take necessary steps to see that errors are corrected and fairness is ascertained in the selection process. It is contended that where there is admittedly an error in the evaluation, a re-evaluation is perfectly valid and can be conducted by the Examination Authority. It is contended that such re-evaluation conducted even after appointments were made have been upheld by the Apex Court. It is further contended that since the key answers were palpably incorrect, there is no exclusion to the power of the examining authority in correcting the said wrong answers and awarding grace marks as has been done - in the instant case. It is further contended that mere assertions of malafide are totally insufficient and no valid allegations have been made as against any ascertainable persons in the

instant case. The learned senior counsel would also submit that where objections have been filed as against the finalized answer key, there was no bar to the KEA entrusting considerations to such objections to an Expert Committee.

11. The learned senior counsel appearing for the appellants have placed reliance on the following judgments:- Manish Ujwal and Others v. Maharishi Dayanand Saraswati University and Others, reported in (2005) 13 SCC 744; Uttar Pradesh Public Service Commission, Through its Chairman and Another v. Rahul Singh and Another, reported in (2018) 7 SCC 254; Kanpur University, Through Vice-Chancellor and Others v. Samir Gupta and Others, reported in (1983) 4 SCC 309;

Rajesh Kumar and Others v. State of Bihar and Others, reported in (2013) 4 SCC 690; - Vikas Pratap Singh and Others v. State of Chhattisgarh and Others, reported in (2013) 14 SCC 494; Ran Vijay Singh and Others v. State of Uttar Pradesh and Others, reported in (2018) 2 SCC 357; The Arunachal Pradesh Public Service Commission and Another v. Miss Hage Mamung and Others, by Order dated 20.01.2023 passed in Civil Appeal No.350 of 2023;

H. Anjanappa and Others v. A. Prabhakar and Others, reported in AIR 2025 SC 924; S. Ramachandra Rao v. S. Nagabhushana Rao and Others, reported in 2022 SCC OnLine SC 1460; Aribam Tuleswar Sharma v. Aribam Pishak Sharma and Others, reported in (1979) 4 SCC 389; Girias Investment Private Limited and Another v. State of Karnataka and Others, reported in

(2008) 7 SCC 53; Institute of Chartered Accountants of India v. L.K. Ratna and Others, reported in (1986) 4 SCC 537;

Prabodh Verma and Others v. State of Uttar Pradesh and Others, reported in (1984) 4 SCC 251; - K.H. Siraj v. High Court of Kerala and Others, reported in (2006) 6 SCC 395; Union of India and Another v. Narendra Singh, reported in (2008) 2 SCC 750; Sahiti and Others v. Chancellor, Dr. N.T.R. University of Health Sciences and Others, reported in (2009) 1 SCC 599; Khargram Panchayat Samiti and Another v. State of West Bengal and Others, reported in

(1987) 3 SCC 82;

Dr. M.C. Bindal v. R.C. Singh and Others, reported in (1989) 1 SCC 136; T. Jayakumar v. A. Gopu and Another, reported in (2008) 9 SCC 403; A.A. Calton v. Director of Education and Another, reported in (1983) 3 SCC 33; N. Sriraman v. Union of India and Others, reported in 2004 (7) Kar. L.J. 152 (DB); Shrutikatiyar v. Registrar General, Delhi High Court, reported in 2024 SCC OnLine Del 1258;

Registrar General, Delhi High Court v. Shruti Katiyar, by order dated 07.03.2024 passed in SLA (C) No(s).5366/2024; Siddhi Sandeep Ladda v. Consortium of National Law Universities and Another, by

Order dated 07.05.2025 passed in SLP (C)

No.12786 of 2025; - Ganapath Singh Gangaram Singh Rajput v. Gulbarga University, Rep. by its Registrar and Others, reported in (2014) 3 SCC 767; Rishal and Others v. Rajasthan Public Service Commission and Others, reported in (2018) 8 SCC 81; and Dr. Praveen Kumar I Kusubi v. Rajiv Gandhi University of Health Sciences, Bangalore and Others, reported in ILR 2003 KAR 805.

12. The learned senior counsel appearing for the

KPTCL would contend that the KPTCL had only made appointments from the merit list provided by the KEA and that it has no vested interest in the matter. The learned senior counsel would place reliance on the decision of the Apex Court in the case of Sreeshyal Industries Employees Union v. State Bank of India and Another, reported in 1983 SCC OnLine Kar 117 and submits that the non impleadment of persons included in the provisional merit list would not invalidate the judgment of the learned Single Judge.

13. The learned counsel appearing for the private

respondents on the other hand contended that there was no select list as on the date of filing of the writ petitions and - the challenge was raised only against the action of the KEA. It is submitted that it is a trite law that even persons included in the select list have no vested right to be appointed and that a person included in a provisional merit list can have no right to contend that he should have been put on notice and heard before an error committed by the KEA was corrected by this

Court. It is further contended that the learned Single Judge had considered the provisions of the Notification as well as the Press Note issued by the KEA and had found that the final answer key was intended to be just that, final. It is therefore contended that there is no power in the KEA to review a finalized answer key, especially in the light of its own precedent.

14. The learned counsel for the private respondents would place reliance in the following judgments:- Dr. Praveen Kumar I Kusubi v. Rajiv Gandhi University of Health Sciences, Bangalore, reported in ILR 2003 KAR 805; Shivdev Singh and Others v. State of Punjab and Others, reported in AIR 1963 SC 1909; - Pohla Singh alias Pohla Ram (D) by LRs v. State of Punjab and Others, reported in (2004) 6 SCC 126;

Shankarsan Dash v. Union of India and others, reported in (1991) 3 SCC 47; Punjab State Electricity Board and Others v. Malkiat Singh, reported in (2005) 9 SCC 22; Employees State Insurance Corporation and Another v. Dr. Vinay Kumar and Others, reported in 2022 SCC OnLine SC 699; Dr. Vinay Rampal v. State of Jammu and Kashmir and Others, reported in (1984) 1 SCC 160; Bedanga Talukdar v. Saifudaullah Khan and Others, reported in (2011) 12 SCC 85; Sanjay K. Dixit and Others v. State of Uttar Pradesh and Others, reported in (2019) 17 SCC 373; Kum. Sahana S. v. Karnataka Examinations Authority and Another, by order dated 27.06.2013 passed in W.P.No.23514 of 2013 (EDN-RES) a/w. Connected Matter; Union of India and Others v. Sri. Vijayakumar S. Emmegol, by order dated 12.10.2023 passed in W.P.No.106050 of 2023 (S-CAR), and - Gajendrapal v. Chhattisgarh Public Service Commission and others, by order dated 17.06.2021 passed in W.P.No.2503 of 2021.

15. The learned counsel for the KEA submits that there is no contention raised by the writ petitioners/private respondents herein with regard to the correctness of the

conclusion reached by the Expert Committee. It is submitted

that it was only on account of the large number of complaints received that the finalized key answers were subjected to a further review. It is submitted that there is absolutely no bar to such an action where error is suspected by the KEA.

16. We have heard the learned counsel appearing on all sides and have considered the contentions advanced. As

held by the learned Single Judge, the short question that

requires consideration is whether the KEA was justified in having made an attempt to correct the mistakes in a finalized answer key. The Notification issued by the KEA specifically stated that the answer key published on 27.12.2022 would be final. However, it is the case of the KEA that in the light of the several complaints received with - regard to the incorrectness of the answer key, they thought it fit to entrust the verification of the answer key to a committee of subject experts. We notice that no serious sustainable allegations of malafides have been raised as against the KEA. We also notice that no persons have been impleaded as parties to the writ petition to sustain the allegation of malafides.

17. Therefore, the question is whether in the facts

and circumstances of the case and on the basis of the pleadings on record, the learned Single Judge was justified in holding that the finalized answer key could not have been corrected at the instance of the KEA? We notice that the Apex Court in Vikas Pratap Singh's case (supra), has specifically considered the question of an error in the answer key and a resultant re- evaluation of the answer scripts on the basis of the opinion of an Expert Committee. It was found that once the Expert Committee had considered the key answers and had given its opinion, it would not be open to the Court to reconsider the said aspect. In the said case, the appointments had - already been made on the basis of the erroneous answer keys and the lists published relying thereon. However, the Apex Court found, after considering the body of precedent law that the decision of the Board to conduct the re- evaluation was a valid decision and could not be said to have caused any prejudice whatsoever either to the appellants or to the candidates selected in the revised merit list. However, considering the fact that in view of the interim orders passed by the learned Single Judge at the writ petition stage, the appellants had been appointed and had completed their training and since there were no allegations of fraud or misrepresentation on their part, the said candidates were

directed to be retained in appointment placing them at the bottom of the revised merit list.

18. In Manish Ujwal's case (supra), the Apex Court,

considering an error in the key answer in a common entrance test for admission to medical courses found that the question of correctness of the key answers was not the matter for the High Court to examine in judicial review. Further, in Shrutikatiyar's case (supra), the Delhi High - Court has held that the benefit of objections filed by certain of the candidates are to be given to all candidates in the selection. The said judgment has also been upheld by the Apex Court in SLA (C) No(s).5366/2024. In Ran Vijay Singh's case (supra), the Apex Court

held at paragraphs No.30 and 31 as under:-

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: 30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalisation and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to academics; - 30.4. The court should presume the correctness of the key answers and proceed on that assumption; and 30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or

compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse - exclude the suspect or offending question."

19. We notice that in the instant case there is a

factual error, which has occurred in the finalized answer key. Though detailed arguments were advanced as to the nature and scope of the error and whether the appellants herein had raised specific objections pointing out the said error in the respective answer keys or not, we are of the opinion that those details do not have to be considered by this Court in these proceedings. This is on account of the fact that the - committee of experts, which was appointed by the KEA to examine the key answers, found that there were errors in the finalized answer key. There is no allegation raised

against the report of the Expert Committee or the conclusion

reached by it. In the light of the judgment of the Apex Court, we are of the opinion that the said question is not the one which is liable to be examined in these proceedings as well.

20. It is also not in dispute that several objections

have been received to the finalized answer key. We also notice that there was no statutory embargo as against the KEA conducting a re-evaluation on finding that there were errors in the answer key. Since the re-evaluation or the re- checking of the finalized answer key was not conducted by the KEA in house but was on the reports submitted by an Expert Committee which is not under challenge, we are of

the opinion that the said exercise cannot be held to be completely without power. Though it is true that the Press Note clearly stated that the objections to the key answers had to be filed before 5 p.m, on 02.09.2022 and that the - finalized key answer would not be subject to any further objections, since the writ petitioners were not able to establish any malafides in the action of the KEA, we are of the opinion that the exercise of re-evaluation carried out by the KEA cannot be said to be so erroneous as to warrant the interference as has been done by the learned Single Judge.

21. We notice from the judgments which are relied on

by the learned counsel appearing on all sides that there would normally be no occasion for the examining authority to attempt a re-verification of the finalized answer key. However, we also notice that in a case where several complaints are raised against the finalized answer key, there also does not appear to be any bar as against the examining authority seeking a re-verification of such answer key.

22. Having considered the contentions advanced on

either side and in the light of the factual circumstances available in the instant case, we are of the opinion that the KEA cannot be said to be powerless where an error is pointed out in the finalized answer key to make a verification whether correction is warranted or not. In the - instant case, the KEA submits that about 900 complaints had been received as against the finalized answer key and this Court had also directed the consideration of one of such complaints.

23. It is in the above circumstances that the KEA had

formed a Committee of Experts to re-verify the finalized answer key. In the absence of any statutory provision prohibiting such an action, we are of the opinion that it was well within the power of the KEA to have carried out the exercise. In the above view of the matter, we are of the opinion that the writ appeals are liable to succeed.

24. The judgment of the learned Single Judge was

dated 22.08.2023. The appeals were filed on 13.09.2023 and the notice was ordered on 27.06.2024 returnable on 18.07.2024. On that day, the Division Bench ordered that the copy of the Expert Committee Meeting shall be made available to all parties. Thereafter, the writ appeals were

listed on several dates. On 07.02.2024, the following order

was passed by the Division Bench:- x x x x x -

Learned Advocate General and Shri Naganand submitted that competitive examinations were conducted by the KEA and a list dated 03.01.2023 was prepared. Subsequently, it was found that few key answers were not correct and thereafter, a revised list was prepared on 04.02.2023. As per the list dated 03.01.2023, there are 501 eligible candidates. As per the list dated 04.02.2023, there are 636 eligible candidates. They pray that the KPTCL which falls under the essential services category may be permitted to appoint 404 candidates. Though there are 501 candidates found eligible, after selection and applying roster, 313 candidates under non-Kalyana Karnataka quota and 91 candidates under Kalyana Karnataka quota and in all, 404 candidates are found eligible for appointment. They pray that KPTCL be permitted to make appointments making it clear that the appointments shall be subject to outcome of these writ appeals and parties shall not claim equities. x x x x x"

Thereafter, on 08.02.2024, an appointment order was issued making appointments of 404 candidates including the writ petitioners who are the private respondents herein. It is submitted by the learned counsel appearing for the writ petitioners that they have been working for the past one year and eight months. In the said circumstances and taking note of the judgments of the Apex Court, we are of the - opinion that this is a fit case where the KPTCL should be directed to continue their services as against available posts. An appropriate decision in this regard as to how the services of the private respondents can be regulated shall be taken by the KPTCL after hearing them as well within a period of two months from

the date of receipt of copy of this

Judgment.

25. Accordingly:-

(i) The Writ Appeals are allowed.

(ii) The judgment dated 22.08.2023 passed by the learned Single Judge in Writ Petition No.2185/2023 c/w. Writ Petitions No.2257/2023, 4572/2023 and

(iii) The Writ Petition No.2185/2023 c/w. Writ Petitions No.2257/2023, 4572/2023 and

(iv) However, the KPTCL is directed to continue

the services of the writ petitioners, who were appointed pursuant to the orders of the learned Single Judge and shall pass appropriate orders after hearing them as - well with regard to how their appointments are to be regulated.

(v) The needful shall be done within a period of

two months from the date of receipt of a copy of this judgment. All interlocutory applications shall stand dismissed in all the appeals. Sd/- (ANU SIVARAMAN) JUDGE Sd/- (RAJESH RAI K) JUDGE cp*

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