

Avinash Singh vs Karnataka Public Service Commission

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Court : Karnataka Orders

Decided On : Aug-31-2024

Judge : S.G.Pandit,C.M. Poonacha

Appeal No. : WP/14002/2022

Appellant : Avinash Singh

Respondent : Karnataka Public Service Commission

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2024 PRESENT THE
HON'BLE MR JUSTICE S.G.PANDIT AND THE HON'BLE MR JUSTICE
C.M. POONACHA WRIT PETITION NO. 14002 OF 2022 (S-KSAT)
BETWEEN:

1. AVINASH SINGH AGED ABOUT 35 YEARS S/O AKASH SINGH R/O
HUDGI, HUMNABAD TALUK BIDAR DISTRICT - 585329.
2. NAGARAJ AGED ABOUT 36 YEARS S/O BASAVARAJ R/O HOUSE
NO. HL. 67 NIJALINGAPPA COLONY NEAR WATER TANK RAICHUR -
584101. PETITIONERS (BY SRI. RAGHU H., ADV.)

Digitally signed by MARIGANGAIAH AND: PREMAKUMARI Location: HIGH 1. KARNATAKA PUBLIC SERVICE COMMISSION COURT OF KARNATAKA REP. BY ITS SECRETARY UDHYOGA SOUDHA, PALACE ROAD BENGALURU-560001.

2. THE DEPARTMENT OF HEALTH

AND FAMILY WELFARE M S BUILDING REP. BY ITS PRINCIPAL SECRETARY BENGALURU - 560001. RESPONDENTS (BY SRI.SESHU V., HCGP FOR R1 SRI SIDHARTH BABURAO, ADV. FOR R2) -2- THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) ISSUE A WRIT OF CERTIORARI AND QUASH THE ORDER DATED 10/01/2022 IN REVIEW APPLICATION NOS.42 AND 43/2021 PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BENGALURU, PRODUCED HERETO AS ANNEXURE-D AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S.G.PANDIT AND HON'BLE MR JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR JUSTICE S.G.PANDIT) Heard the learned counsel Sri.Raghu.H., for petitioners, learned counsel Sri.Sdharth Baburao for respondent No.1 and learned High Court Government Pleader Sri.V.Seshu for respondent No.2.

2. Petitioners are before this Court under Article

226 of the Constitution of India challenging the order

dated 12.05.2021 in Application Nos.5775-5786/2020 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, the Tribunal) and also order dated -3- 10.01.2022 in Review Application Nos.42 & 43/2021 passed by the Tribunal.

3. It is seen that the other applicants in Application Nos.5773 to 5786/2020 and Connected Applications were before this Court in W.P.No.10575/2021

C/w. W.P.No.17163/2021 challenging the same order

dated 12.05.2021 in Application Nos.5773-5786/2020 and Connected Applications and this Court by order dated 31.03.2023, passed the following order:

ORDER

(i) The writ petitions are allowed.

(ii) The orders of the Karnataka State

Administrative Tribunal dated 12.05.2021 passed in Application Nos.5773-5786/2020, NO.6560/2019 dated 24.08.2021 are hereby set-aside. Consequently, the applications deserve to be allowed and the applications are partly allowed.

(iii) Condition at Sl.No.2 at Column No.5 in Notification at 23.03.2018 prescribing and -4- imposing qualification of experience is declared ultra vires Section 33N of the D & C Act read with Rule 49 of the Rules, 1945.

(iv) The condition imposed under the Notification

as below, hereby stands quashed. (b) must have put in a service of not less than eighteen months of experience in the manufacturing and or testing of Schedule C and/or C1 drugs included in the Drugs and Cosmetics Rules, 1945.

(v) Consequently, all the endorsements dated 22.11.2019 are hereby quashed.

(vi) There shall be a direction directing

respondents to redo the select list, in accordance with the observations made hereinabove and within an outer limit of three months from the date of receipt of certified copy of this order.

4. Against the order of Co-ordinate Bench of this

Court dated 31.03.2022 in W.P.No.10575/2021 and Connected writ petitions, some of the private respondents approached the Honble Apex Court in SLP(C).Nos.16490- -5- direction No.(vi) passed by this Court at paragraph 82. Thereafter, by order dated 26.02.2024, Honble Apex Court modified its interim order and permitted the respondent-KPSC to redo the select list, but observed that it shall not be finalized without leave of the Court.

5. In view of the above, present writ petition is

also disposed of in terms of the order dated 31.03.2023 in W.P.No.10575/2021 C/w. W.P.No.17163/2021, but the same would be subject to the outcome of SLP(C).Nos.16490-16491/2023. Sd/- (S.G.PANDIT) JUDGE Sd/- (C.M. POONACHA) JUDGE NC CT:bms List No.: 2 Sl No.: 1

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