

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2022**

**PRESENT**

**THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE S.R.KRISHNA KUMAR**

**WRIT PETITION NO.6795 OF 2022 (S-RES-PIL)**

BETWEEN:

MOHAMED ARIF JAMEEL

... PETITIONER

(BY SRI RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

1. STATE OF KARNATAKA  
REPRESENTED BY THE CHIEF SECRETARY  
VIDHANA SOUDHA, DR.B.R.AMBEDKAR VEEDHI  
BANGALORE - 560 001
2. STATE OF KARNATAKA  
REPRESENTED BY THE PRINCIPAL SECRETARY  
DEPARTMENT OF PERSONAL &  
ADMINISTRATIVE REFORMS (DPAR),  
VIDHANA SOUDHA  
BENGALURE - 560 001
3. THE KARNATAKA PUBLIC SERVICE COMMISSION  
REP. BY ITS SECRETARY  
UDYOGA SOUDHA, PARK HOUSE  
BENGALURU - 560 001.

... RESPONDENTS

(BY SRI ARUNA SHYAM, AAG A/W  
SRI.H.R.SHOWRI, AGA FOR R1 & R2  
NOTICE TO R3 IS DISPENSED WITH V/O/DT. 21.04.2022)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR ORDER DECLARING THE IMPUGNED ACT, THE KARNATAKA CIVIL SERVICES (VALIDATION OF SELECTION AND APPOINTMENT OF 2011 BATCH GAZETTED PROBATIONERS) ACT, 2022, DATED 14.03.2022 VIDE ANNEXURE-K, AS BEING UNCONSTITUTIONAL, ILLEGAL AND VOID AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

Heard.

2. Notice for respondent Nos.1 and 2 shall be accepted by learned Additional Government Advocate. For the order proposed, notice to respondent No.3 is dispensed with.

3. The Public Interest Litigation has been filed seeking the following reliefs:

*"a) Issue a writ in the nature of Certiorari or any other appropriate writ, direction or order declaring the impugned Act, The Karnataka Civil Services (Validation of Selection and Appointment of 2011 Batch Gazetted Probationers) Act, 2022, Dated 14.03.2022 vide ANNEXURE-J, as being unconstitutional, illegal and void, and/or*

*b) Issue a writ in the nature of Certiorari or any other appropriate writ, direction or orders setting aside the appointment orders issued dated 22.03.2022, vide ANNEXURE-K in pursuance of the impugned Act vide ANNEXURE-J.*

c) *Pass any other orders as may be deemed fit in the facts and circumstances of this case."*

4. Learned counsel for the petitioner submits that earlier, the entire selection held was challenged before this Court in W.P.Nos.13617-13627/2017 and connected matters. It is alleged that it was thereafter that the respondents have enacted the Karnataka Civil Services (Validation of Selection and Appointment of 2011 Batch Gazetted Probationers) Act, 2022 in order to overcome the judgment passed by the High Court. The contention is that the enactment of the impugned Act is colourable exercise of power and as such, bad in law.

5. We have considered the submissions and gone through the record.

6. We are of the considered view that the entire Act would not become bad in law simply because the earlier selection was challenged in the High Court and was quashed and thereafter, the impugned Act has come in force. Learned counsel for the petitioner has not been able to show any provision of the impugned Act which can be treated to be unconstitutional, illegal or void.

7. In view of the above, we do not find any reason to grant indulgence. So far as the consequential prayers made in the writ petition, suffice it to observe that the aggrieved persons have already approached the Karnataka State Administrative Tribunal where the matters are pending consideration. As such, such reliefs are not required to be considered by this Court at this stage.

8. The writ petition, being devoid of merit, is dismissed.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

VM