IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF JUNE, 2025

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE Mrs JUSTICE K S HEMALEKHA

WRIT PETITION NO. 200138 OF 2025 (S-KAT)

BETWEEN:

SYED ASADULLA
S/O SYED ZAKIULLA
AGED ABOUT 44 YEARS,
OCC : PRIVATE JOB
R/O NEAR SEVA BHARTIYA SCHOOL,
13-153 BIBI GALLI, HUMNABAD BIDAR-585330.

…PETITIONER

(BY SRI. LIYAQAT FAREED USTAD,ADVOCATE)

AND:

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REP. BY ITS PRINCIPAL SECRETARY,
   HIGHER EDUCATION DEPARTMENT,
   M.S. BUILDING, 6TH FLOOR,
   DR. B.R. AMBEDKAR VEEDHI,
   BANGALORE-560001.

2. THE COMMISSIONER
   COLLEGIATE EDUCATION DEPARTMENT,
   PALACE ROAD, BANGALORE-560002.

3. THE KARNATAKA EXAMINATION AUTHORITY
   REP. BY ITS SECRETARY, MALLESHWARAM,
   BANGALORE-560009.

4. THE EXECUTIVE DIRECTOR,
KARNATAKA EXAMINATION AUTHORITY
MALLESHWARAM, BANGALORE-560009.

5. MS. SUDHARANI INGALE
D/O SHREEPATI,
AGED ABOUT 30 YEARS, OCC: NILL
R/A JORAPURPET, BAJANTRI GALLI,
NEAR RAGHAVENDRA TEMPLE, VIJAYAPURA-586101.

…RESPONDENTS

(BY SMT.MAYA T R, HCGP FOR R1 & R2;
SRI. BASAVARAJ R. MATH, ADVOCATE FOR R3 & R4;
SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO-A) WRIT IN NATURE OF CERTIORARI AND QUASH THE ORDER PASSED BY THE HON'BLE KARNATAKA STATE APPELLATE TRIBUNAL IN APPLICATION NO.5802/2022 BY ITS ORDER DATED 11.09.2023 VIDE ANNEXURE-D CONSEQUENTIALLY QUASH THE PROVISIONAL SELECT LIST/ORDER DATED 04.07.2024 ISSUED BY THE RESPONDENT NO.4 VIDE ANNEXURE-K IN SO FAR AS REMOVING THE NAME OF THE PETITIONER FROM THE FINAL SELECTION LIST DATED 03.03.2023 IS CONCERNED. B) BY A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT DIRECT THE RESPONDENT 1-4 TO CONFIRM THE SELECTION OF THE PETITIONER AND ISSUED THE APPOINTMENT ORDERS.

THIS PETITION IS COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE Mrs JUSTICE K S HEMALEKHA

ORAL ORDER

(PER: HON'BLE Mrs JUSTICE K S HEMALEKHA)

The present petition is filed by Sri Syed Asadulla challenging the order dated 11.09.2023 in the Application No.5802/2022, passed by the Karnataka State Administrative Tribunal, Bengaluru, (hereinafter referred as 'KSAT, Bengaluru', for short), wherein he was not impleaded as a party to the proceedings.

2. By the impugned order, the tribunal allowed the application filed by respondent No.5 (the applicant therein) and held that the selection process for the post of Assistant Professor(Urdu) is to be treated *abinitio void*. The tribunal further directed the authorities to reserve the selection process from the stage of document verification and to invite candidates for document verification strictly in accordance with the reservation of posts applicable to various categories.

3. The learned counsel appearing for respondent No.5 has raised preliminary objections regarding the maintainability of the present writ petition before this Court, the impugned order is passed by the KSAT, Bengaluru. In support of her contention, she placed reliance on the decision of the Coordinate Bench of this Court in the case of ***Dr. Shweta Vs. The State of Karnataka and others***[1] to contend that the Kalaburagi Bench of the Karnataka High Court does not have jurisdiction to entertain a challenge against an order passed by the Principal Bench of the Karnataka Administrative Tribunal and as such the petition ought to have been filed before the Principal Bench of the Karnataka High Court at Bengaluru.

4. Learned counsel for the petitioner on the other hand would submit that the petitioner is the resident of Bidar and he is not a party before the KSAT, Bengaluru

[1]WP No.202833/2023 DD:17.09.2024

and as such, the writ petition before this Court is very much maintainable.

5. We have considered the contentions urged by the learned counsel for the parties and perused the material on record.

6. We have perused the decision of the Co-ordinate Bench of this Court in the case of ***Dr. Shweta*** (*supra*) and the another decision of the Co-ordinate Bench of this Court in the case of ***Sawanth R.S. Vs. State of Karnataka and Ors.,***[2] which is relied upon by the Co-ordinate Bench of this Court in the case of ***Dr. Shweta*** *(supra)*. The Co-ordinate Bench of this Court held, with respect to jurisdiction that, the jurisdiction of the Court in judicial review of the Tribunal's order must be the Division Bench of the Court within whose territorial jurisdiction the concerned Bench of the Tribunal has decided the dispute. The Division Bench of this Court at paragraph Nos.12, 14 & 15, has held as under:

[2] WP No.201968/2023 DD:20.02.2024

*"12. It must be noticed that the Division Bench of this Court in the case of **Sawanth R.S.** (supra) by a detailed order has laid down that the territorial test for the present will have to be taken note of. Paragraph No.20 of the Order of the Division Bench reads as follows:*

> *"20. However, until there is a decision after reference as aforesaid declaring that the territorial test will not be determinative, this Court must opine that, with the decisions of the Supreme Court in **Alapan Bandyopadhyay's case** and the Full Bench of this Court in **KPTCL's Case** and the settled propositions that cause of action is a bundle of facts and a case arises in every place there is cause of action and that the Tribunal will be the first court of jurisdiction subject to judicial review by a Division Bench of a High Court under article 226 of the Constitution, the position that will prevail is that a litigant, who chooses to invoke the jurisdiction of the Tribunal under Section 19 of the Administrative Tribunals Act,1985 will have the right of forum conveniens, but subject to the notifications that are issued by the Tribunal to regulate the jurisdiction of its different benches, and as regards the right to invoke the jurisdiction of this Court for judicial review of the Tribunal's order it must be that Division Bench of this Court within whose territorial jurisdiction the concerned Bench of the Tribunal has decided the dispute."*

14. It must be noticed that there may be cases with multiple jurisdictions are available. The principle of Section 20 of Code of Civil Procedure, 1908 would also provide that the proceedings could be instituted where the defendant against whom there lies a cause of action is situated. Broadly speaking as noticed that the author of Annexure-A8 as well as Annexure-A10 is the office at Bengaluru

and the applicant was a resident of Chitradurga, she is also the resident within the territorial jurisdiction of the Administrative Tribunal at Bengaluru. Once the jurisdiction has been invoked as a Forum convenience by the applicant, necessarily the private respondent who is aggrieved by an adverse order is also to bring the litigation in terms before the appropriate Bench in terms of the Notification by the High Court of Karnataka. The High Court of Karnataka (Establishment of Permanent Benches at Dharward and Gulbarga) Order, 2013 was notified on 14.08.2013 and the relevant extract at para-4 reads as follows:

> *"4. The Chief Justice of the High Court of Karnataka may, from time to time, nominate the Judges of the High Court of Karnataka, who shall sit, -*
> *(i) at Dharwad in respect of cases arising in the Districts of Bagalkot, Bellary, Belgaum, Dharwad, Gadag, Haveri, Uttara Kannada-Karwar and Koppal; and*
> *(ii) at Gulbarga in respect of cases arising in the Districts of Bidar, Bijapur, Gulbarga and Raichur.*

in order to exercise the jurisdiction and powers of the time being vested in that High Court in the State of Karnataka."

15. While the jurisdiction of choice of Forum as regards the Benches of the Tribunal at the first instance has already been exercised and the proceedings are initiated at the Principal Bench of the Tribunal at Bengaluru. Once such jurisdiction is invoked and order is passed by a Bench of such Tribunal, the writ petition to be filed is again to be exercised in terms of the High Court of Karnataka (Establishment of Permanent Benches at Dharwad and Gulbarga) Order, 2013."

7. In the present case, order of the tribunal is of the principal Bench at Bengaluru. Accordingly, jurisdiction would be the Principal Bench of the High Court at Bengaluru.

8. The issue revolved in this writ petition is squarely covered by the decisions of the Co-ordinate Bench of this Court in the cases of ***Dr. Shweta*** *(supra)* and ***Sawanth R.S.*** *(supra)* and the present writ petition needs to be disposed of in similar lines.

9. In light of the same, the writ petition is to be returned reserving liberty to the petitioner to re-present the same before the Principal Bench, Bengaluru and accordingly, the writ petition stands ***disposed of*** for statistical purpose.

Sd/–
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(K S HEMALEKHA)
JUDGE

THM,TMP/List No.: 1 Sl No.: 11