



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 13TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE R.NATARAJ

WRIT PETITION NO.200704 OF 2022 (GM-CC)

BETWEEN:

PADMAVATI D/O GOPAL RAO
W/O DEVINDRAPPA MARATUR,
AGE: 57 YEARS, OCC: TEACHER,
R/O FLAT NO.12-13, S.B. TEMPLE ROAD,
NEAR DATTA MANDIR,
SANGAMESHWAR COLONY,
BRAHAMPUR, KALABURAGI-585103.

...PETITIONER

(BY SRI J. AUGUSTIN, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY FOR
SOCIAL WELFARE, GOVERNMENT OF KARNATAKA,
VIKAS SOUDHA, BENGALURU-560001.
2. DEPUTY COMMISSIONER
AND CHAIRMAN, CASTE VERIFICATION
COMMITTEE, KALABURAGI,
KALABURAGI-585401.
3. SUPERINTENDENT OF POLICE,
CIVIL RIGHTS ENFORCEMENT,
OLD I.G.P. OFFICE,

Digitally signed
by RENUKA
Location: High
Court Of
Karnataka



KALABURAGI-585102.

...RESPONDENTS

(BY SRI C. JAGADISH, SPL. COUNSEL)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) QUASH THE IMPUGNED ORDER PASSED BY THE KALABURAGI DISTRICT CASTE VERIFICATION COMMITTEE ಸಂ:ಜಂ.ನಿ/ಸಕ ಇಕ/ಸಿಂಧುತ್ವ/ಸಿಆರ್-102/2019-2020 ದಿನಾಂಕ 2021 VIDE ANNEXURE- G, PASSED BY THE RESPONDENT NO.2 IN THE INTEREST OF JUSTICE AND EQUITY BY GRANTING A WRIT OR ORDER IN THE NATURE OF CERTIORARI.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ

ORAL ORDER

The petitioner has challenged an order bearing No.ಜಂ.ನಿ/ಸಕಇಕ/ಸಿಂಧುತ್ವ/ಸಿಆರ್-102/2019-202 vide Annexure - G, by which, the District Caste Verification Committee cancelled the caste certificate granted to the petitioner.

2. The petitioner claimed that she belonged to Scheduled Tribe. She applied for a post of Assistant



Teacher at Prashant Nursery-cum-Primary School, Brahmapur, Kalaburagi on 12.07.1982. Her appointment was approved on 12.01.1983. The post was reserved for Scheduled Tribe. She claimed that she belonged to 'Gond' community, which was recognized as Scheduled Tribe. She claimed that her grandmother had given a declaration in Form-1 on 02.08.1982 declaring that the petitioner belonged to 'Gond' community. The said declaration was made before the Deputy Tahasildar, Kalaburagi on 20.08.1992. She claimed that on 11.03.2002, the State Government issued an order bearing No.SWD 713 SAD 93 directing all persons, who had obtained caste certificate under Scheduled Tribes category to surrender the same to the issuing authority. The petitioner submitted a letter with her employer bringing to its notice the Government Order dated 11.03.2002 and requested it to treat her appointment as one made against the general category. It is claimed that the employer of the petitioner forwarded the application filed by her to the Block Educational Officer, Kalaburagi and requested him to return the



original caste certificate submitted by the petitioner at the time of approval of her appointment, so that the same could be surrendered for cancellation. The petitioner contends that in the meanwhile, the Government of Karnataka in terms of communication dated 04.03.2014, declared persons belonging to the 'Kuruba' community in Bidar, Kalaburagi and Yadgiri as Scheduled Tribes and included 'Gond' and 'Raja Gond' in the list of Scheduled Tribes in the State of Karnataka.

3. The petitioner contends that a notice was issued to her, at the instance of a complainant, to enquire into the caste of the petitioner. Accordingly, the petitioner appeared for an enquiry before the Superintendent of Police (CRE), Directorate, Kalaburagi. The Superintendent of Police (CRE) Directorate in terms of his letter dated 30.04.2019 affirmed that the petitioner obtained a false certificate though she had obtained the certificate from the concerned office. The petitioner therefore submits that the report of the Superintendent of Police (CRE), Directorate



submitted to the Additional Director General of Police(CRE) Directorate was without application of mind. Later, the Additional Director General of Police (CRE) Directorate addressed a communication to the District Caste Verification Committee to determine the caste of the petitioner. The District Caste Verification Committee thereafter passed the impugned order cancelling the caste certificate and declared that the petitioner did not belong to Scheduled Tribes. Being aggrieved by the said order, the petitioner is before this Court.

4. The learned counsel for the petitioner reiterated the above contentions and claimed that by virtue of the notification issued by the State Government, 'Gond' and 'Raja Gond' castes are recognized as Scheduled Tribes in the State Government and therefore, the petitioner was entitled to the benefit.

5. The learned Special Counsel appearing for the respondents submitted that this writ petition is not maintainable in view of an appeal provided under Section



4-D of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointments, etc.) Act, 1990 (for short 'the Act of 1990'). Thus, he contends that the petitioner is bound to approach the Director of the Tribal Welfare and file an appeal in such form and in such manner as prescribed.

6. Section 4-C of the Act of 1990 provides for constitution of a verification committee for each district for verification of caste and income certificate. The verification committee after holding such an enquiry as it deems fit either grants a validity certificate in a prescribed form or rejects it. Any person aggrieved by an order passed by the verification committee under Section 4-C of the Act of 1990 is bound to file an appeal before the appropriate authority as provided under Section 4D of the Act of 1990. Therefore, the petitioner cannot approach this Court directly or by short-circuiting the Appellate Authority. Hence, the writ petition is ***dismissed as not maintainable.***



It is open for the petitioner to file an appropriate appeal against the impugned order before the appropriate authority as provided under Section 4-D of the Act of 1990.

If an appeal is filed, the Appellate Authority shall consider the same after excluding the period consumed in perusing this writ petition.

**Sd/-
(R.NATARAJ)
JUDGE**

RSP
List No.: 1 Sl No.: 63
CT: MH