



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

**DATED THIS THE 28<sup>TH</sup> DAY OF MARCH, 2023**

**PRESENT**

**THE HON'BLE MR JUSTICE G.NARENDAR**

**AND**

**THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR**

**WRIT PETITION NO. 6817 OF 2023 (S-KSAT)**

**BETWEEN:**

1. THE PRINCIPAL SECRETARY TO GOVT.,  
DEPARTMENT OF HEALTH AND  
FAMILY WELFARE, VIDHANA SOUDHA  
BENGALURU.
2. THE MEMBER SECRETARY  
SPECIAL APPOINTMENT COMMITTEE AND  
ADMINISTRATOR, HEALTH &  
FAMILY WELFARE SERVICE  
AROGYA SOUDHA, MAGADI ROAD  
BENGLAURU - 560 023.

...PETITIONERS

(BY SMT. M C NAGASHREE, AGA)

**AND:**

DR SNEHA  
D/O VEERSHETTY  
AGED ABOUT 27 YEARS  
H.No.9-8-472, KALIDAS NAGAR  
BVB COLLEGE ROAD  
BIDAR - 585 401.

...RESPONDENT





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS, ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO SET ASIDE THE IMPUGNED ORDER DATED 16.09.2022 IN APPLICATION No. 20501 OF 2021 (ANNEXURE-A) PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **SHIVASHANKAR AMARANAVAR J**, PASSED THE FOLLOWING:

**ORDER**

Heard learned Additional Government Advocate for the petitioners.

2. The petitioners have sought for setting aside the impugned order dated 16.09.2022 passed in Application No. 20501/2021 (Annexure-A) by the Karnataka State Administrative Tribunal, Bengaluru.

3. Facts leading to the filing of the said application by the respondent are, that the petitioners had issued notification dated 10.09.2020 inviting applications for various posts including General Duty Medical officers and



the respondent being eligible for recruitment has submitted the application. Petitioners have called for verification of the documents. The respondent has obtained 61.23% of marks and being a woman, she is entitled to be considered under the General Merit Women category. The petitioner authorities have selected a candidate who secured 57.43% of marks. The respondent has not been selected because of the fact that she has not appeared for verification of the documents held during the Covid period. The respondent had certain difficulties as her father was admitted to the hospital and she lost her mother thereafter. In the circumstances, the respondent could not verify the mails which were forwarded by the petitioners intimating the respondent to appear for verification of the documents. The respondent was deprived of consideration of her case for selection to the post of General Duty Medical Officer under the General Merit Women category though the petitioner authorities have considered a lesser merited candidate. In that regard the respondent submitted a representation along with



certain documents explaining the circumstances as to why she could not appear before the petitioner authorities for verification of the documents. Said request of the respondent has not been considered by the authorities. Therefore, the respondent approached the Tribunal challenging the selection list dated 12.05.2021 issued by petitioner No. 2 regarding non-inclusion of her name for the said post and for a direction to consider the representation submitted by her requesting the authorities to permit her for verification of documents and to consider her for selection. The respondent has also stated that many posts are vacant pursuant to the said notification and respondent can be considered for selection by permitting her to appear for verification of documents.

4. The Tribunal, considering the merit of the respondent, difficulties explained by the respondent regarding her inability to appear for document verification on account of bereavement in the family and large number of posts not being filled and same being kept vacant, has



allowed the application and directed the petitioners to consider the request of the respondent and permit her to appear for verification of the documents to consider her claim for the post of General Duty Medical Officer under General Merit Women category and if found eligible, to include her name in the selection list at an appropriate place and consider for appointment.

5. Petitioner is a meritorious candidate and her merit is more than that of the selected candidate under the General Merit Women category. Now the meritorious candidates are not applying for General Duty Medical Officer. There is dearth in eligible candidates in the recruitment and large number of posts are not filled and the same are kept vacant. The Tribunal also considered the difficulties explained by the respondent as to why she was unable to look into the mails forwarded by the authorities. Considering all these aspects the Tribunal has rightly allowed the application of the respondent. We do



not find any perversity in the order passed by the Tribunal. Hence, the petition is dismissed.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**