



R

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 25<sup>TH</sup> DAY OF NOVEMBER, 2025**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**  
**WRIT PETITION NO. 100738 OF 2025 (GM-CC)**

**BETWEEN:**

RAJU W/O. MELLAPPA TALAWAR,  
AGE: 27 YEARS, OCC: SERVICE,  
R/O: SANKARAGATTI VILLAGE,  
TQ: ATHANI, DSIT: BELAGAVI-590002.

...PETITIONER

(BY SMT. GAYATRI S.R. FOR  
SRI. MALLIKARJUNSWAMY B. HIEMATH, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF FIRE AND EMERGENCY  
BY ITS SECRETARY, VIDHANA SOUDHA,  
BENGALURU-560001.
2. THE DIRECTOR GENERAL OF POLICE  
KARNATAKA STATE FIRE AND  
EMERGENCY SERVICES,  
ANNASWAMY MUDALIAR ROAD,  
BANGALORE-560042.
3. THE REGIONAL FIRE OFFICER,  
KARNATAKA STATE FIRE AND  
EMERGENCY SERVICES, HUBBALLI-25.

...RESPONDENTS

(BY SRI. T.HANUMAREDDY, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTICE DATED 29-01-2025 ISSUED BY THE 3<sup>RD</sup> RESPONDENT WHICH IS PRODUCED AT ANNEXURE-H ONLY INsofar AS PETITIONER IS CONCERNED.

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





**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

1. The petitioner is before this Court seeking the following reliefs.

- a) Issue writ of certiorari quashing the impugned notice dated 29.01.2025 issued by the 3<sup>rd</sup> respondent which is produced at Annexure-H only insofar as petitioner is concerned.
- b) Issue such other writ, order or direction as this Hon'ble Court deems fit in the interest of justice and equity."

2. Heard the learned counsel Ms. Gayatri S.R. appearing for the petitioner and the learned AGA Sri. T. Hanumareddy representing the respondents.

3. The petitioner is appointed as a Fire Station Officer under the category Other Backward Classes, as his caste at the time of appointment was notified as OBC-I, he was posted to work at Karwar. On 20.03.2020, the Scheduled Tribe's order was amended and Talawar caste was included as Scheduled Tribe in Entry No.38 by substituting the caste therein. The State Government then by an order dated 29.10.2022 removed the Talawar caste from the list of reservation under the backward



class category, in the light of it being brought under the Scheduled Tribe category. The petitioner sought and was granted promotion in accordance with law on the score that he was a Scheduled Tribe.

4. The respondent No.3 appears to have issued a notice to the petitioner calling the petitioner for enquiry into the appointment of the petitioner as Other Backward Classes which is now Scheduled Tribe.

5. The learned counsel for the petitioner submits that the respondent No.3 admittedly has no jurisdiction to enquire into the caste status whether it is a scheduled caste or a scheduled tribe.

6. The learned AGA would though refute the submission of the counsel to the petitioner is not in a position to dispute the settled principle that the respondent No.3 does not possess jurisdiction to enquire into the caste status of either the Scheduled Caste or Scheduled Tribe.



7. In the light of the issue revolving around a narrow compass whether the respondent No.3 did have jurisdiction or otherwise.

8. The **\*caste** status of a person is to be enquired into will be only under the Act. Under the Act, the respondent No.3 is not one of those persons who is empowered to enquire into the **\*caste** status of any employee. He is the employer. The employer admittedly does not have the jurisdiction to enquire into the **\*caste** status of an employee. It should be by the District Caste Verification Committee only, is the settled principle of law as laid down by a plethora of judgments. On this short ground of the employer lacking jurisdiction to enquire into the caste status, the petition deserves to be succeed.

9. In that light, the notice and all proceedings taken in the aftermath of the notice, are held a nullity in law.

10. For the aforesaid reasons, the following:

ORDER

i. Writ Petition is allowed.

*\* Corrected vide Chamber Order dated 22.12.2025*



**NC: 2025:KHC-D:16297  
WP No. 100738 of 2025**

- ii. The impugned notice dated 29.01.2025 issued by the respondent No.3 *qua* the petitioner stands quashed.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

Rsh / CT:ANB  
List No.: 1 SI No.: 17