

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 38070 OF 2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOME
REP. BY ITS ADOL. CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU-560 001.
2. THE DIRECTOR GENERAL AND INSPECTOR
GENERAL OF POILCE
THE STATE OF KARNATAKA
NRUPATHUNGA ROAD
BENGALURU-560 002.

...PETITIONERS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. V. SHIVAREDDY, AGA)



AND:

1. SRI LAKSHMINARAYANA A. V.
S/O VENKATAGIRIYAPPA
AGED ABOUT 57 YEARS
SP, LOKAYUKTHA
TUMAKURU DISTRICT- 572 101.
2. SRI SIDDARAJU C.
S/O. CHANDRAPPA
AGED ABOUT 54 YEARS
SUPERINTENDENT OF POLICE
KARNATAKA LOKAYUKTHA

BALLARI DIVISION, BALLARI-572 101.

3. SRI RAJENDRA D. S.
S/O TDR SRIKANTIAH
AGED ABOUT 58 YEARS
ADDL. SUPERINTENDENT OF POLICE-2,
DAKSHINA KANNADA DISTRICT,
MANGALORE-575 001.
4. SRI B. JAGANNATH RAI
S/O RAMAIAH RAI
AGED ABOUT 55 YEARS
WORKING AS SUPERINTENDENT OF POLICE
STATE INTELLIGENCE
BANGALORE, BENGALURU-560 001.
5. SRI K. RAVI SHANKAR
S/O S. M. KRISHNA REDDY
AGED ABOUT 56 YEARS
WORKING AS DCP
(CRIME AND TRAFFIC)
AS SHETTY CIRCLE
MANGALORE CITY-575 001.
6. SRI G. HARISHA,
S/O. G. JAGANNATHA REDDY
AGED ABOUT 56 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-1
RAICHUR-584 101.
7. SRI S. E. GANGADHARA SWAMY
S/O EASWARAPPA
AGED ABOUT 58 YEARS
ADDITIONAL SP-2
MANDYA-571 401.
8. SRI R. HEMANTH KUMAR
S/O B. S. RANGAPPA
AGED ABOUT 55 YEARS
ADDITIONAL SP
KOPPAL - 583 231.

9. SRI DHARANEESHA S P
S/O. PUTTA GANAGAPPA MN
AGED ABOUT 54 YEARS
ADDITIONAL S. P.
OFFICE OF THE
SUPERINTENDENT OF POLICE
YADAGIRI-585 202.
10. SRI A G KARIAPPA
S/O A M GANAPATHI
AGED ABOUT 54 YEARS
ADDITIONAL S.P.
DISTRICT POLICE OFFICE
SAGAR MAIN ROAD
SHIVAMOGGA-577 201.
11. SRI. G. MANJUNATHA
S/O G. CHANNAPPA
AGED ABOUT 59 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-2
DEVARAJ URS BADAVANE
S P OFFICE, DAVANAGERE 577 006.
12. SRI K. S. NAGARAJA
S/O SREENIVASAREDDY
AGED ABOUT 56 YEARS
WORKING AS ADDITIONAL
SUPERINTENDENT OF POLICE
BENGALURU DISTRICT
OFFICE OF THE SUPT. OF POLICE
NO.5, MILLER'S ROAD
OPPOSITE TO CHANDRIKA HOTEL
BENGALURU-560 005.
13. SRI N NAVEEN KUMAR
S/O LT. B NAGAPPA
AGED ABOUT 55 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-2
BALLARI DISTRICT, BALLARI-583 101.
14. SRI H. C. JAGADEESHA

S/O H. K. CHANNAPPA
AGED ABOUT 55 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-2
DISTRICT POLICE OFFICE
KOLAR-563 101.

15. SRI N. H. RAMACHANDRAIAH
S/O HONNAIAH
AGED ABOUT 58 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-2
POLICE BHAVAN RAMANAGAR
RAMANAGAR DISTRICT
RAMANAGARA-562 159.
16. SRI NARAYAN
S/O VENKAPPA BARAMANI
AGED ABOUT 56 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE
DHARWAD-580 008.
17. SRI RAJA IMAM KASIM P
S/O LATE DASTHAGIR P
AGED ABOUT 55 YEARS
DCP, CRIME-2, BENGALURU CITY
NO.1, INFANTRY ROAD
BENGALURU-560 001.
18. SRI PARAMESHWAR HEGDE
S/O LATE ANANTH HEGDE
AGED ABOUT 55 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE-2
OFFICE OF THE SUPERINTENDENT OF POLICE
BANNANJE, UDUPI-576 101.
19. SRI MOHAMAD BABU
S/O LATE P AHMED SHARIEFF
AGED ABOUT 58 YEARS
SUPERINTENDENT OF POLICE AND PRINCIPAL
POLICE TRAINING INSTITUTE
THANISANDRA, BANGALORE-560 045.
20. SRI T. MALLESH

S/O LATE THAMMANNA
AGED ABOUT 56 YEARS
SUPERINTENDENT OF POLICE
LOKAYUKTA, VIJAYAPURA-586 101.

21. SRI MAHANTESHWARA JIDDI
S/O SHIVAPPA
AGED ABOUT 53 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE
BAGALKOTE-587 103.
22. SRI SALEEM PASHA
S/O MOHAMMAD HANISF
AGED ABOUT 59 YEARS
ADDITIONAL SUPERINTENDERIT OF POLICE
VIJAYANAGAR DISTRICT
T.B. DAM ROAD
SUPERINTENDENT OF POLICE
HOSAPETE-583201.
23. SRI JAGADISH M
S/O M H NAYAK
AGED ABOUT 56 YEARS
WORKING AS ADDITIONAL
SUPERINTENDENT OF POLICE-2
KARWAR-581 301.
24. SRI M. N. KARIBASAVANA GOUDA
S/O M. N. PAMPANA GOUDA
AGED ABOUT 56 YEARS
DEPUTY COMMISSIONER OF POLICE
VIDHANA SOUDHA SECURITY DIVISION
BANGALORE-560 001.
25. SRI SANKAD MADIVALAPA B
S/O BASAVANANEPPA SANKAD
AGED ABOUT 59 YEARS
ADDITIONAL SUPERINTENDENT OF POLICE
GADAG-582 101.
26. SRI RAMANAGOUDA HATTI
S/O ADIVEPPA GOUDA

AGED ABOUT 59 YEARS
ADDITIONAL SUPERINTENDENT
OF POLICE-2, VIJAYAPURA-586 101.

27. SRI K. S. VENKATESH NAIDU
S/O K. C. SRINIVASA NAIDU
AGED ABOUT 59 YEARS
ADDITIONAL SUPERINTENDENT
OF POLICE-2, HASSAN-573 201.
28. SRI SHANKAR M. RAGI
S/O MALLIKARJUNAPPA RAGI
AGED ABOUT 61 YEARS
RETIRED SUPERINTENDENT OF POLICE
R/AT SAGAR BUILDING
VIJAYANAND NAGAR
DHARWAD-580 001.
29. SRI M. MYOGENDRANATH
S/O LATE MADAI AH
AGED ABOUT 61 YEARS
RETIRED SUPERINTENDENT OF POLICE
R/AT NO. 820, 1ST CROSS
COCONUT GARDENS
T. DASARAHALLI
BENGALURU-560 057.
30. SRI M. H. MANJUNATH CHOUDHARI
S/O M. HANUMANTH REDDY
AGED ABOUT 59 YEARS
SUPERINTENDENT OF POLICE
LOKAYUKTA, SHIVAMOGGA-577 202.

...RESPONDENTS

(BY SRI RAVIVARMA KUMAR, SENIOR ADVOCATE FOR
SRI V. R. SARATHY, ADVOCATE)

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 20.08.2025 IN APPLICATION Nos:1357-1386/2025 (ANNEXURE-A) PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL, BENGALURU AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **10.04.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioners-State in Home Department are before this Court under Article 226 of the Constitution of India, aggrieved by the order dated 20.08.2025 in Application Nos.1357-1386/2025 by which, the Karnataka State Administrative Tribunal, Bengaluru (for short "Tribunal") directed the petitioners to pass necessary orders of promotion to the respondents herein to the cadre of Superintendent of Police (Civil) (Non-IPS) under Rule 42 of Karnataka Civil Service Rules (for short "KCSRs") w.e.f. 28.11.2023 i.e., the date from which they were placed

under Rule 32 of KCSRs with a further direction to extend all consequential benefits to the respondents.

2. The brief facts of the case are that:

The respondents herein approached the Tribunal with the following prayers:

"(a) Issue an appropriate order or direction in the nature of mandamus directing the 1st and 2nd respondents to consider the case of the Applicants by considering their representations dated 05.03.2024, 12.11.2024 and 14.03.2025 (Annexure-A11 to A13) and further officiating the promotions of the Applicants in the cadre of Superintendent of Police (Civil)(Non-IPS) posts retrospectively with effect from 28.11.2023 (Annexure-A10) the date in which they were placed under Rule-32 of KCSRs Independent Charge basis considering their case under Rule 2(3) of the Karnataka State Civil Services (Regulation of Promotion, Pay and Pension) Rules, 1978 thereby protecting the seniority as well as the pays scale attached to the said promotional posts as consequential

benefits from the date in the interest of justice and equity.”

3. It is the case of the respondents that Departmental Promotion Committee (for short “DPC”) in its meeting held on 15.11.2023 considered the cases of the respondents who were working as Deputy Superintendent of Police for regular promotion to the cadre of Superintendent of Police (Civil) (Non-IPS) and recommended the cases of the respondents for regular promotion to the cadre of Superintendent of Police (Civil) (Non-IPS). Further, it is submitted that the petitioners instead of promoting the respondents substantively to the cadre of Superintendent of Police (Civil) (Non-IPS) placed the respondents in independent charge of the Superintendent of Police (Civil) (Non-IPS) under Rule-32 of KCSRs. It is also submitted that there were regular vacancies existing as on the date of DPC and the DPC has rightly taken a decision to accord regular promotion to the respondents to the cadre of Superintendent of Police (Civil) (Non-IPS). However, for the reasons best known to the petitioners, the

respondents were placed under Rule-32 of KCSRs to the post of Superintendent of Police (Non-IPS). Despite the decision of DPC to promote the respondents regularly to the cadre of Superintendent of Police (Civil) (Non-IPS), the State had only placed them in independent charge of the said post under Rule-32 of KCSRs. The respondents are said to have submitted representations to the petitioners to promote them regularly to the cadre of Superintendent of Police (Civil) (Non-IPS) and as the State failed to consider their cases for regular promotion, they approached the Tribunal with the above prayers. The Tribunal, under impugned order directed the petitioners to pass orders of promotion insofar as respondents are concerned to the cadre of Superintendent of Police (Civil) (Non-IPS) under Rule 42 of KCSRs from the date, they were placed in independent charge under Rule 32. Aggrieved by the said order of the Tribunal, the petitioners-State Authorities are before this Court in this writ petition.

4. Heard learned Additional Advocate General Sri.Reuben Jacob along with learned Additional Government Advocate Sri.Shivareddy for petitioners and learned Senior Counsel Sri.Ravivarma Kumar for Sri.V.R.Sarathy, learned counsel for respondents. Perused the entire writ petition papers.

5. Learned Additional Advocate General would submit that the Tribunal committed a grave error in issuing positive direction to the State to pass necessary orders of promotion insofar as respondents are concerned to the cadre of Superintendent of Police (Civil) (Non-IPS) under Rule 42 of KCSRs w.e.f. 28.11.2023, the date on which they were placed in independent charge under Rule-32 of KCSRs. It is his submission that the Tribunal without providing any opportunity, solely taking note of the Note of the Home Minister filed along with memo by respondents, directed the petitioners herein to accord regular promotion. Learned AAG would submit that the Note of the Home Minister would not give any right to the respondents to seek such a direction. It is his further

submission that the Tribunal lost sight of the fact that the Note of the Home Minister only directs the Authorities to examine the matter immediately and to take action. Instead of directing the State Authorities to examine and take a decision in the matter, the Tribunal issued a positive direction which could not have been issued in the facts and circumstances of the case. Further, learned AAG would place reliance on the decisions of the Hon'ble Apex Court in **SHANTI SPORTS CLUB AND ANOTHER v/s UNION OF INDIA AND OTEHRS** reported in **(2009)15 SCC 705** and **SETHI AUTO SERVICE STATION AND ANOTHER v/s DELHI DEVELOPMENT AUTHORITY AND OTHERS** reported in **(2009)1 SCC 180** to contend that the File Note would not give any right to the respondents unless it is translated into an order. Further, learned AAG would submit that though DPC recommended for regular promotion of respondents to the cadre of Superintendent of Police (Civil)(Non-IPS), as the vacancies were not available and 30 upgraded vacancies were available only for two years, the State Authorities had

resorted to place the respondents under Rule-32 of KCSRs. Learned AAG would further submit that subsequent to DPC, the seniority list in existence was quashed by the Tribunal by order dated 05.02.2025 which was confirmed by this Court by order dated 15.10.2025. Therefore, he submits that there was no seniority list to effect regular promotion to the respondents. Thus, he would pray for allowing the writ petition.

6. Per contra, learned Senior counsel Sri.Ravi Varma Kumar appearing on behalf of respondents who were applicants before the Tribunal submits that in the meeting held on 15.11.2023, in clear terms, the DPC recommended promotion of the respondents to the cadre of Superintendent of Police (Civil)(Non-IPS) regularly under Rule 42 of KCSRs and the same was approved by the concerned Minister. However, while issuing the order to implement the decision of the DPC as well as concerned Minister, respondents were placed only in independent charge under Rule-32 of KCSRs to the cadre of Superintendent of Police (Civil)(Non-IPS). Learned senior

counsel would submit that placing the respondents in independent charge of the posts of Superintendent of Police (Civil)(Non-IPS) is contrary to the decision of the DPC as well as the order of the concerned Minister. It is further submitted that the DPC on assessing the eligibility and based on the seniority found that the petitioners are eligible for substantive promotion under Rule 42 of KCSRs against available vacancies. Therefore, learned senior counsel submits that when the DPC has found them eligible for substantive promotion, the Tribunal is justified in issuing a positive direction. Further, learned senior counsel would submit that as on the date of DPC meeting, there were clear vacancies available for regular promotion and placing respondents in independent charge under Rule 32 to the cadre of Superintendent of Police (Civil)(Non-IPS) by withholding regular promotion would amount to punishment. Learned senior counsel also submits that the promotional posts have been encroached by IPS cadre Officers. Further, it is pointed out that the State has published the provisional seniority list of the cadre of

Deputy Superintendent of Police (Civil) on 02.04.2026 and the same is contrary to the vacancy position by pushing down the respondents.

7. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for consideration is as to whether in the facts and circumstances of the case, the Tribunal could have issued a positive direction to promote the respondents to the cadre of Superintendent of Police (Civil) (Non-IPS) under Rule 42 of KCSRs with effect from the date, they were placed in independent charge under Rule-32 of KCSRs i.e., 28.11.2023, with all consequential benefits.

8. Answer to the above point would be in the negative and in the facts and circumstances of the case, the Tribunal could not have issued positive direction to the petitioners-Authorities to pass necessary orders of promotion to the respondents to the cadre of Superintendent of Police (Civil)(Non-IPS) under Rule 42 of

KCSRs from the date they were placed in independent charge under Rule-32 of KCSRs i.e., 28.11.2023.

9. It is a settled position of law that every Government servant has a right for consideration of his case for promotion and no Government Servant has right for promotion itself. Further, it is a settled position of law that normally it is not for the Court to issue a positive mandamus to promote a Government servant and it is always for the State-Authorities to consider and promote a Government servant after examining his eligibility and seniority.

10. No doubt, in the instant case, the DPC in its meeting held on 15.11.2023, on examination and assessment of the eligibility and seniority of the respondents recommended their cases for regular promotion under Rule 42 of KCSRs to the cadre of Superintendent of Police (Civil) (Non-IPS) and the said DPC proceedings was also approved by the concerned Minister. Taking note of the same, the Tribunal could have directed the petitioners to

consider the cases of the respondents for regular and retrospective promotion of the petitioners to the cadre of Superintendent of Police (Civil) (Non-IPS) and could not have issued a positive direction.

11. On perusal of the impugned order passed by the Tribunal, it is seen that the respondents filed a memo dated 05.08.2025 enclosing File Note No.28(Annexure-A9) wherein the Home Minister had directed the petitioners to set right the anomaly immediately. Even after noting the Note of the Minister which was to set right the anomaly, the Tribunal committed a grave error in issuing positive direction to promote the respondents to the cadre of Superintendent of Police (Civil)(Non-IPS) from the date they were placed in independent charge.

12. The Hon'ble Apex Court in the decisions of **SHANTHI SPORTS CLUB AND SETHI AUTO SERVICE STATION** (*supra*) has made it clear that,

"The noting in the file or even a decision gets culminated into an order affecting right of the parties only when it is expressed in the

name of the President or Governor, as the case may be, and authenticated in the manner provided in Article 77(2) or Article 166(2). A Noting or even a decision recorded in the File can always be reviewed/reversed/overruled or overturned and the court cannot take cognizance of the earlier noting or decision for exercise of the power of judicial review."

In the light of the above decisions, the Tribunal committed a grave error in issuing positive direction to promote the respondents solely based on the Note No.28(A) of the Home Minister which was produced before the Tribunal along with memo dated 05.08.2025.

13. No doubt, as contended by the learned senior counsel for the respondents, the Court could issue positive direction under certain circumstances or in extraordinary cases. However, the present case is not such an extraordinary case to issue positive direction to the State Authorities to promote the respondents to the cadre of Superintendent of Police (Civil)(Non-IPS) under Rule 42 of

KCSRs from the date they were placed in independent charge.

14. The Hon'ble Apex Court in the case of **HARI KRISHNA MADIR TRUST v/s STATE OF MAHARASHTRA AND OTHERS** reported in **(2020) 9 SCC 356** explained as to under what circumstances the Court could issue positive direction or positive mandamus. Relevant paragraphs 100, 101, 102 and 103 read as follows:

"100. The High Courts exercising their jurisdiction Under Article 226 of the Constitution of India, not only have the power to issue a Writ of Mandamus or in the nature of Mandamus, but are duty bound to exercise such power, where the Government or a public authority has failed to exercise or has wrongly exercised discretion conferred upon it by a Statute, or a rule, or a policy decision of the Government or has exercised such discretion malafide, or on irrelevant consideration.

101. In all such cases, the High Court must issue a Writ of Mandamus and give directions to compel performance in an appropriate and

lawful manner of the discretion conferred upon the Government or a public authority.

*102. In appropriate cases, in order to prevent injustice to the parties, the Court may itself pass an order or give directions which the government or the public authorities should have passed, had it properly and lawfully exercised its discretion. In **Directors of Settlements, Andhra Pradesh and Ors. V. M.R.Apparao and Anr. (MANU/SC/0219/2002 : (2002) 4 SCC 638. Pattanaik J., observed:***

"One of the conditions for exercising power Under Article 226 for issuance of a mandamus is that the Court must come to the conclusion that the aggrieved person has a legal right, which entitles him to any of the rights and that such right has been infringed. In other words, existence of a legal right of a citizen and performance of any corresponding legal duty by the State or any public authority, could be enforced by issuance of a writ of mandamus, "Mandamus" means a command. It differs from the writs of prohibition or certiorari in its demand for some activity on the part of the body or person to whom it is addressed. Mandamus is a command issued to direct any person, corporation, inferior courts or government, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty.

A mandamus is available against any public authority including administrative and local bodies, and it would lie to any person who is under a duty imposed by a statute or by the common law to do a particular act. In order to obtain a writ or order in the nature of mandamus, the applicant has to satisfy that he has a legal right to the performance of a legal duty by the party against whom the mandamus is sought and such right must be subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution, a statute, common law or by Rules or orders having the force of law.”

103. The Court is duty bound to issue a writ of Mandamus for enforcement of a public duty. There can be no doubt that an important requisite for issue of Mandamus is that Mandamus lies to enforce a legal duty. This duty must be shown to exist towards the applicant. A statutory duty must exist before it can be enforced through Mandamus. Unless a statutory duty or right can be read in the provision, Mandamus cannot be issued to enforce the same.”

15. In the instant case, learned AAG submitted that 30 upgraded vacancies were available only for 2 years and as on the date of issuing orders of promotions, 2 years period for which, 30 posts were upgraded had expired. In the

light of the said submission, the vacancy position shall have to be examined and the State has to take appropriate decision. Therefore, the Tribunal instead of issuing positive direction ought to have directed the State to consider the cases of the respondents for regular promotion. Therefore, the impugned order passed by the Tribunal requires modification. Hence, the following:

ORDER

The writ petition is allowed in part. The impugned order dated 20.08.2025 in Application Nos.1357-1386/2025 passed by the Tribunal is modified, directing the petitioners herein to consider the cases of the respondents herein for promotion to the cadre of Superintendent of Police (Civil)(Non-IPS) under Rule 42 of KCSRs from the date they were placed in independent charge under Rule 32 of KCSRs i.e., 28.11.2023 with all consequential benefits, keeping in mind the decision of the DPC dated 15.11.2023, the vacancy position and also the approval of Home Minister.

Time for compliance is two months from the date of receipt of a copy of this order.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

MPK
CT:NJ