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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2025
(ARISING OUT OF SLP (CIVIL) NO(S). 27984-27988 OF 2023)

LEELAVATHI N. AND ORS. APPELLANT(S)
ETC.

VERSUS

THE STATE OF KARNATAKA RESPONDENT(
AND ORS. ETC. S)

WITH

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.496 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.497 OF 2024)

CIVIL APPEAL NOS. OF 2025
(ARISING OUT OF SLP (CIVIL) NO(S).28331-28335 OF 2023)

CIVIL APPEAL NOS. OF 2025
(ARISING OUT OF SLP (CIVIL) NO(S).7298-7303 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.16867 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.16575 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.16562 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.7297 OF 2024)

CIVIL APPEAL NO. OF 2025
(ARISING OUT OF SLP (CIVIL) NO.11728 OF 2024)

J U D G M E N T

VIJAY BISHNOI, J.

1. Leave granted.

2. These appeals have been preferred by the Appellants challenging the Judgment dated 12.10.2023 (hereinafter referred to as "**impugned judgment**") passed in **W.A. No.305/2023 (GM-CC)**; W.A. No.300/2023 (GM-CC); W.A. No.337/2023 (GM-CC); W.A. No.591/2023 (GM-CC); W.A. No.886/2023 (GM-CC) (hereinafter referred to as "**the writ appeals**") by the High Court of Karnataka at Bengaluru (hereinafter referred as "**the High Court**"). The Division Bench of the High Court, thereby set aside the Judgment passed by the Single Judge Bench of the High Court in W.P. No. 23752 of 2022 (GM-CC) dated 30.01.2023, thus relegating the matter to the Karnataka State Administrative

Tribunal (hereinafter referred to as "**KSAT**") to be considered in a properly constituted application.

FACTUAL MATRIX

3. A notification dated 21.03.2022 was issued by the Department of Public Education, Government of Karnataka inviting applications for a total number of 15,000 posts of Graduate Primary Teachers for Classes 6-8 for 35 Educational Districts (hereinafter referred to as "**recruitment notification**").

4. Pursuant to the said recruitment notification, examinations were held on 21.05.2022 and 22.05.2022. The Appellants and the private Respondents herein applied and participated in the said examinations. On 17.08.2022, the results of the said examinations were declared and accordingly, a provisional select list was published on 18.11.2022.

5. The provisional select list dated 18.11.2022 did not include the names of certain married individuals/candidates, who had applied in the OBC category, as they had not produced the caste cum income certificate (hereinafter referred to as "**certificate**") of their husband but rather submitted the one issued in the name of their father. As a result of non-consideration of the certificate produced by them, the said individuals were found to be

ineligible for reservation provided for the OBC category and hence, their names got reflected in the general merit list.

6. Aggrieved by the same, some of the private respondents herein approached the High Court by filing the Writ Petition No. 23752 of 2022 (GM-CC), praying to quash the provisional select list dated 18.12.2022 and seeking consideration of their names in the said provisional select list.

7. A similarly aggrieved candidate (private respondent herein) filed a Writ Petition bearing No. 200032 of 2023 before the High Court of Karnataka, Kalaburagi Bench, which came to be dismissed *vide* order dated 12.01.2023 as not maintainable. However, the Court granted liberty to the said writ petitioner to approach the Administrative Tribunal (hereinafter referred to as "**Tribunal**") in view of the law laid down in ***L. Chandra Kumar vs. Union of India and Ors***, reported in (1977) 3 SCC 261. Pursuant to the same, some similarly situated persons have approached the KSAT.

8. Despite the Order dated 12.01.2023 being passed by the Kalaburagi Bench of the High Court, the Single Judge of the High Court (Principal Bench) entertained the W.P. No. 23752 of 2025,

presumably because the Order dated 12.01.2023 was not brought to its notice.

9. The Single Judge of the High Court in the W.P. No. 23752 of 2022 (GM-CC) on the basis of pleadings of the parties framed the following issues:

> *"(i) Whether the writ petitions challenging the action of interpretation of caste and income certificates by the Selecting Authority - DDPI would be maintainable?*
> *(ii) Whether the caste and income of the husband of the female applicant should be taken into consideration or the caste and income of the parents?*
> *(iii) Whether the Selecting Authority – DDPI would get jurisdiction to interpret caste and income certificates issued by competent authorities?"*

10. The Single Judge of the High Court *vide* judgment dated 30.01.2023 allowed the said writ petitions filed by some of the private respondents herein, thereby quashing the provisional select list dated 18.11.2022 insofar as it related to the private respondents being brought under the General Merit category and directed the Respondent-State to treat such candidates as belonging to the OBC category to which they applied for, *qua* the certificates appended to the applications. Further, the Respondent-State was granted liberty to regulate its procedure by continuing recruitment and taking it to its logical conclusion.

11. The findings recorded by the Single Judge can be better understood in the following three parts:

A. **First**, on the issue of maintainability of the writ petitions, the Single Judge, while relying on the judgment of this Court in ***T.K. Rangarajan vs. Government of T.N. and Others***, reported in (2003) 6 SCC 581, held that in cases wherein thousands of employees are directed to approach the Tribunal, it would not be in a position to render justice to the cause and, therefore, in such exceptional circumstances, the High Court has to entertain the writ petitions and ought not to dismiss them merely on the ground that an alternative remedy exists under the statute. The Single Judge deemed this situation whereby hundreds of applicants, who fell under the category 2A, 2B, 3A and 3B of the OBC Category, were held to be general merit candidates, as a peculiar situation warranting immediate and necessary interference. As a result, the writ petitions were held as maintainable.

B. **Secondly**, the Single Judge, on the issue of whether the caste and income of the husband of the applicant should be considered or that of her parents, held that the creamy layer status of a candidate is determined on the basis of the status

of his/her parents and not on the basis of his/her own status or income, or the status or income of his/her spouse on the ground that caste is determined by birth and it cannot be changed by marriage with a person belonging to another caste. Reliance in this regard was placed on the decision of this Court in ***Surinder Singh vs. Punjab State Electricity Board, Patiala and Others***, reported in (2014) 15 SCC 767.

C. **Finally**, on the question of the jurisdiction of the Selecting Authority i.e. the Deputy Director of Public Instruction (for short, "**the DPPI**") to interpret the certificates, it was held that, in view of a similar judgment by a Coordinate Bench of the High Court, the Selecting Authority being the DPPI had no jurisdiction to interpret the certificates issued by the competent authorities. The Single Judge noted that the action of the Selecting Authority, in light of the Government Order dated 12.12.1986, was unsustainable as the said Government Order was in and of itself, unsustainable.

12. The Government issued a fresh provisional select list dated 27.02.2023, in lieu of the directions issued by the Single Judge *vide* Judgment and Order dated 30.01.2023, after considering the candidature of the married individuals in terms of their

husbands, or their parents' certificate. The names of 451 candidates (including the Appellants), whose names were included in the provisional select list dated 18.11.2022, were excluded owing to the fact that their merit position moved lower on inclusion of candidates who were excluded in the provisional select list dated 18.11.2022.

13. Several candidates (private respondents herein) aggrieved by the provisional select list dated 27.02.2023 having not found their names in the said list, approached the High Court by way of Writ Petitions led by W.P. No.5009 of 2023, whereby the High Court disposed of the writ petitions *vide* order dated 26.05.2023 as not maintainable while granting liberty to the writ petitioners to approach the KSAT for redressal of their grievances in light of the law laid down in ***Rajeev Kumar and Another vs. Hemraj Singh Chauhan and Others***, reported in (2010) 4 SCC 554 and ***L. Chandra Kumar*** (supra).

14. Subsequently, the Appellants filed their objections before the Government which were rejected and the Government published the final select list on 08.03.2023.

15. The Appellants, being aggrieved by the exclusion of their names in the final select list dated 08.03.2023, published pursuant to

the Judgment and Order dated 30.01.2023, preferred the writ appeals before the Division Bench of the High Court challenging the Order dated 30.01.2023 passed by the Single Judge of the High Court and seeking a direction to the Respondent-State to proceed with the provisional list dated 18.11.2022 in accordance with law.

16. The Division Bench *vide* Order dated 12.10.2023 partly allowed the writ appeal and set aside the Judgment and Order dated 30.01.2023 passed by the Single Judge. The Division Bench directed that all the contentions regarding the issues raised before the Single Judge were left open to be raised before the KSAT. The Division Bench framed the following issue after hearing the writ appeal:

> "a) *Whether writ petition as filed seeking the relief thereunder is entertainable under Article 226 of the Constitution of India?"*

17. The Division Bench, while relying upon the judgement passed in ***L. Chandra Kumar*** (supra), held that in the matters of recruitment process, the Tribunal would be the Court of first instance and the role of Division Bench of the High Court is only limited to the exercise of judicial review under Article 226/227 of the Constitution of India.

18. The Division Bench further held that the Single Judge erred in placing reliance on the judgment passed in the case of ***T.K. Rangarajan*** (supra) since, in the present case, the moot question revolved around the rejection of certificates of some of the candidates during the recruitment process. There was no vested right created in favour of such candidates except expectation of being selected, and this could not be deemed as "*an unprecedented extraordinary situation having no parallel*" as laid out by this Court in ***T.K. Rangarajan*** (supra).

19. However, the Division Bench, taking note of the peculiar fact situation that had arisen in this case, whereby the appointment of teachers of Class 6-8 had come to a grinding halt on account of the rejection of some of the candidates, as a measure of interim relief, directed the State to proceed with the appointment of teachers from the selected candidates as per the final select list dated 08.03.2023, provided that the candidates have submitted the certificate in the prescribed form.

20. Aggrieved by the said impugned judgment passed by the Division Bench, the Appellants have preferred the present batch of appeals, which are classified as follows:

A. The appellants in the appeals, arising out of SLP (C) Nos. 27984-27988/2023, SLP (C) Nos.28331-28335/2023, SLP (C) Nos.7298-7303/2024 and SLP (C) No.11728/2024, were the candidates whose names were included in the provisional select list dated 18.11.2022 and they are aggrieved by the order passed by the Division Bench, whereby, the Division Bench as a measure of interim relief, directed the State to proceed with appointment process as per the final selection list dated 08.03.2023.

B. The appellants in the appeals arising out of SLP (C) No. 496/2024, SLP (C) No.497/2024, SLP (C) No.16867/2024, SLP (C) No. 16575/2024, SLP (C) No.16562/2024 and SLP (C) No. 7297/2024, are the ones whose names were included in the final select list dated 08.03.2023 as per the directions given by the Single Judge *vide* Order dated 30.01.2023. These appellants are aggrieved by the order of the Division Bench, whereby, the Division Bench relegated the matter to the Tribunal.

21. During the pendency of these appeals, certain orders have been passed by this Court which are as follows:

A. *Vide* Order dated 03.01.2024, this Court directed that the directions issued in paragraph 45-47 of the impugned judgment dated 12.10.2023 shall be stayed and that any appointment letters issued by the State in terms of final selection list dated 08.03.2023 shall be kept in abeyance. The Order is reproduced herein below:

> *"* *O R D E R*
>
> *1. Permission to file Petition for Special Leave to Appeal is granted.*
> *2. Applications seeking exemption from filing certified copy of the impugned judgment and exemption from filing official translation are allowed.*
> *3. Delay condoned.*
> *4. Issue notice. Dasti service, in addition, is permitted.*
> *5. Mr. D.L. Chidananda, learned Advocate on Record accepts notice on behalf of the caveator/respondent.*
> *6. Counter affidavit, if any, be filed within four weeks. Rejoinder affidavit, if any, be filed within two weeks, thereafter.*
> *7. Till further orders, the directions issued in paragraphs 45 to 47 of the impugned judgment shall not be given effect to. Any appointment letters as stated to have been issued in favour of the candidates selected in terms of the final selection list dated 08th March, 2023 shall be kept in abeyance.*
> *8. List after pleadings are complete.*
> *9. Additional documents, if any, be filed, in the meantime."*

B. *Vide* Order dated 22.01.2024, the Court clarified that the joining of 11,494 candidates who were already issued appointment letters and working, would be subject to the outcome of the present appeals. The Order is reproduced herein below:

> *"* *O R D E R*

IA No.6067/2024 in SLP (C) Nos.27984-27988/2023, IA No.6858/2024 in SLP (C) No.496/2024, IA No.6817/2024 in SLP (C) No.497/2024, IA No.6617/2024 in SLP (C) Nos.28331-28335/2023:

1. On 3rd January, 2024, while issuing notice on this petition, it was directed that till further orders, the directions issued in paragraphs 45 to 47 of the impugned judgment shall not be given effect to. It was further directed that any appointment letters as stated to have been issued in favour of the candidates selected in terms of the final selection list dated 08th March, 2023, shall be kept in abeyance.

2. Now an additional affidavit has been filed by the respondent no.1-State of Karnataka wherein category wise distribution of 13,352 candidates has been reflected in paragraph 3.2. As per the said tabulated statement, out of a total of 13,352 candidates, who had applied for the subject posts being 15000 in number for 35 Educational Districts, have been included in the list published on 08th March, 2023, 6649 candidates fall under the category of general merit, 1953 candidates fall under the Scheduled Caste category, 428 candidates fall under the Scheduled Tribe category and 3841 fall under the OBC candidates. This is besides those who fall under the category of Married Women who seek to be considered in OBC category based on their parents' income and caste certificate. It is stated that the number of candidates who fall under the category of Married Women referred to hereinabove, is 481.

3. Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the respondents states that it has been clarified that the authorities have kept aside 481 notified posts to be filled up subject to the final outcome of the present litigation. In other words, if married women candidates who claim reservation on the basis of the income of their parents' ultimately succeed in the present petition, they shall be entitled to appointment against the said posts, subject to their fulfilling all other eligibility criteria.

4. This would mean that if the married women candidates do not qualify for appointment on the strength of their parents' income and caste certificate, they would be considered in the General Merit Category on the basis of their overall merit. As it has been submitted that 11494 candidates who were selected and issued appointment letters were already working prior to passing of the order on 03rd January, 2024 and their

appointment orders have been kept in abeyance in compliance of the aforesaid order, it is clarified that joining of the aforesaid 11494 candidates working on the subject posts is subject to the outcome of the present petitions. This order shall be duly intimated to all the said appointees for their information.

5. The applications are allowed and disposed of on the above terms.

6. List these matters on 12th March, 2024 at 2.00 p.m."

C. *Vide* Order dated 04.10.2024, the Court allowed the State to proceed with the appointment to the vacant seats, however, by reserving 500 seats as vacant. The Order is reproduced herein below:

" *O R D E R*

1) Learned counsel for the petitioners submit that unserved respondents are represented in other cases through Advocates or their service is complete, therefore, they may be deemed to be served for which Interlocutory Applications have been filed. Considering the statement made at Bar, we accept the statement. Interlocutory Applications for dispensing with the service of notice are allowed.

2) During hearing it is informed that 1,377 candidates remained to be appointed though they are not affected by the issue involved in the present cases regarding claim of married women under creamy layer in Other Backward Classes category.

3) Mr. Tushar Mehta, learned Solicitor General, appearing for the State submitted that to safeguard rights of the candidates involved in the litigation the State Government shall keep 500 posts reserved.

4) In view of the aforesaid stand of the State, it is at liberty to fill up the vacant advertised posts by reserving 500 posts.

5) At present, we are not passing any order regarding seniority of the persons appointed or who may be appointed on the posts reserved.

6) List the matters on 12th November, 2024 (Non Miscellaneous Day).

7) Parties shall complete and exchange the pleadings within four weeks from today."

SUBMISSIONS OF THE PARTIES

22. The learned Counsel for the Appellants in the first set of appeals (A) submitted that the direction issued by the Division Bench to continue with the appointments in terms of the final select list dated 08.03.2023 and not granting the consequential relief of proceeding as per the provisional select list dated 18.11.2022 after setting aside the Judgment and Order dated 30.01.2023, is unsustainable and without jurisdiction. It was further contended that pursuant to the final select list dated 08.03.2023, only 13,352 candidates have been appointed against 15,000 notified vacancies. Accordingly, it was urged by the learned Counsel that the Appellants, who had been selected in the provisional select list dated 18.11.2022 but were ousted by virtue of the Order of the Single Judge dated 30.01.2023, can be accommodated against the remaining vacancies.

23. The learned Counsel for the Appellants in the second set of appeals (B) submitted that the Division Bench erred in setting aside the well-reasoned Judgment of the Single Judge without properly appreciating the law laid down in ***T.K. Rangarajan*** (supra). It was further contended that the Division Bench was

not justified in directing the State to defer the appointments of candidates who had not furnished certificates in the form prescribed under the notification and in conformity with the Government Order dated 12.12.1986, and who had been included in the list only by virtue of the order of the Single Judge, until disposal of the challenge before the KSAT.

24. The learned Counsel for the Respondent-State has argued that the contention of the Appellants that since the appointment of the 481 candidates, who sought to be considered on the basis of their parents' income certificate, were directed to be deferred by the Division Bench, it cannot be unanimously accepted that the Appellants who had been displaced from the list dated 08.03.2023 on inclusion of 481 candidates, ought to have been appointed. Further, it was vehemently contended that the present *lis* primarily related to the *inter-se* eligibility of candidates, and the Respondent-State is merely a formal party and would give effect to the Orders as passed by this Court.

ANALYSIS

25. We have heard the parties and perused the materials on record.

26. The Single Judge of the High Court had not ruled that the issue raised before it by the appellants of the second set of appeals (B) is outside the jurisdiction of the KSAT while exercising power under Section 15 of the Administrative Tribunals Act, 1985 (hereinafter referred to as "**the Act of 1985**"). It is not even the case of the appellants of the second set of appeals (B) that the KSAT has no jurisdiction to adjudicate the issue raised by them in the writ petitions filed before the High Court. In such circumstances, it is an admitted position that the KSAT has the jurisdiction to adjudicate the issue raised by the appellants of the second set of appeals (B).

27. Now, the only question that falls for our consideration is whether the Division Bench of the High Court has rightly held that the Single Judge of the High Court had no jurisdiction to entertain the writ petitions filed on behalf of the appellants of the second set of appeals (B) in view of the availability of an effective alternate remedy of filing an appropriate application before the KSAT. The Constitution Bench of this Court in ***L. Chandra Kumar*** (supra), has categorically held that in a service dispute covered by Section 15 of the Act of 1985, it will not be open for litigants to directly approach the High Courts, even in cases

where they question the *vires* of the statutory legislations except the cases wherein the legislation under which the particular Tribunal is created is under challenge.

28. Although the Single Judge took note of a specific objection raised by the State regarding the maintainability of the petitions, the Single Judge had relied upon the judgment of this Court rendered in ***T.K. Rangarajan*** (supra) to hold that the writ petitions filed on behalf of the appellants of the second set of appeals (B) would be maintainable. It is to be noted that this Court in ***T.K. Rangarajan*** (supra), has not made any departure from the binding precedent laid down by the Constitution Bench in ***L. Chandra Kumar*** (supra) and only observed that the High Court therein was faced with an extraordinary circumstance which called for its interference because the State Government had dismissed about two lakhs employees for going on strike. It was held that the High Court was justified in allowing the writ petitions, having regard to the exceptional circumstances which rendered the Tribunal incapable of doing justice to the cause, and thus, there was no justifiable reason for the High Court to not entertain the petitions in view of the alternate remedy provided under the statute. At best, the said judgment can be

termed as an order passed under Article 142 of the Constitution of India and as such, it is not binding.

29. In the instant case, the Division Bench of the High Court has taken the view that the "*unprecedented extraordinary situation having no parallel*", as existed in ***T. K. Rangarajan*** (supra), was not present in this case. The dispute in the case before us only concerns the rejection of the certificates of certain candidates who took part in the recruitment process. It is apposite to note here that recruitment to any civil post and allied service matters fall within the domain of the State's administrative policy. Further, it is not uncommon for discrepancies to arise in the recruitment process, including those relating to the eligibility of candidates on the basis of their certificates, during the recruitment process. However, the rejection of candidates on the basis of invalid certificates does not render them remediless so as to directly approach the High Court. The Tribunals have been well empowered to deal with such disputes as the court of first instance. Such situations under no circumstance can be deemed as an exceptional one to warrant the intervention of the High Court under its writ jurisdiction.

30. In view of the aforesaid observations, the present case does not fall under the category of an exceptional circumstance as the issue is restricted merely to 481 candidates whose inclusion in the select list is allegedly illegal.

31. Significantly, it is pertinent to note that the High Court of Karnataka, Kalaburagi Bench, by its order dated 12.01.2023, had dismissed W.P. No. 200032 of 2023, which was filed on an identical set of facts by a similarly situated candidate, as not maintainable, while granting liberty to the petitioner therein to approach the Tribunal. In a similar vein, the High Court (Principal Bench), by its order dated 26.05.2023, disposed of a set of writ petitions led by W.P. No. 5009 of 2023, filed by certain private respondents herein, who were aggrieved by the provisional select list dated 27.02.2023, as not maintainable, once again granting liberty to the petitioners to seek redress before the KSAT. These orders, echoing the same reasoning, lend further support to the impugned judgment passed by the Division Bench of the High Court. Hence, we do not find any illegality in the impugned judgment.

32. Otherwise also, the law of alternate remedy is well settled and has been dealt with by this Court in various judgments. In

Rajeev Kumar (supra), this Court while relying on the Constitution Bench rendered in ***L. Chandra Kumar*** (supra) has held as under:

> ***"9.*** *The Constitution Bench in L. Chandra Kumar [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] held that the power of the High Court under Articles 226 and 227 of the Constitution and of this Court under Article 32 of the Constitution is a part of the basic structure of our Constitution (see paras 78 and 79, pp. 301 and 302 of the Report). The Constitution Bench also held that various tribunals created under Articles 323-A and 323-B of the Constitution, will function as court of first instance and are subject to the power of judicial review of the High Court under Articles 226 and 227 of the Constitution. The Constitution Bench also held that these tribunals are empowered even to deal with constitutional questions and can also examine the vires of statutory legislation, except the vires of the legislation which creates the particular tribunal.*
>
> ***10.*** *In para 93, at p. 309 of the Report, the Constitution Bench specifically held: (L. Chandra Kumar case [(1997) 3 SCC 261 : 1997 SCC (L&S) 577])*
>
> > *"93. … We may add that the Tribunals will, however, continue to act as the only courts of first instance in respect of the areas of law for which they have been constituted."*
> >
> > *(emphasis added)*
>
> *The Constitution Bench explained the said statement of law by reiterating in the next sentence: (L. Chandra Kumar case [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] , SCC p. 309, para 93)*
>
> > *"93. … By this, we mean that it will not be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except, as mentioned, where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned."*
>
> ***11.*** *On a proper reading of the abovequoted two sentences, it is clear:*
>
> *(a) The tribunals will function as the only court of first instance in respect of the areas of law for which they have been constituted.*
>
> *(b) Even where any challenge is made to the vires of legislation, excepting the legislation under which tribunal has*

been set up, in such cases also, litigants will not be able to directly approach the High Court "overlooking the jurisdiction of the tribunal".

12. *The aforesaid propositions have been repeated again by the Constitution Bench (in L. Chandra Kumar case [(1997) 3 SCC 261 : 1997 SCC (L&S) 577]) in the penultimate para 99 at p. 311 of the Report in the following words:*

"99. … The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned."

13. *In view of such repeated and authoritative pronouncement by the Constitution Bench of this Court, the approach made to the High Court for the first time by these appellants in respect of their service disputes over which CAT has jurisdiction, is not legally sustainable. The Division Bench of the High Court, with great respect, fell into an error by allowing the appellants to treat the High Court as a court of first instance in respect of their service disputes for adjudication of which CAT has been constituted.*

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15. *As the appellants cannot approach the High Court by treating it as a court of first instance, their special leave petition before this Court is also incompetent and not maintainable.*

16. *The principles laid down in L. Chandra Kumar [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] virtually embody a rule of law and in view of Article 141 of the Constitution the same is binding on the High Court. The High Court fell into an error by allowing the appellants to approach it in clear violation of the Constitution Bench judgment of this Court in L. Chandra Kumar [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] ."*

(Emphasis Supplied)

33. In ***Nivedita Sharma vs. Cellular Operators Association of India and Others***, reported in (2011) 14 SCC 337, this Court has held as under:

*"**11.** We have considered the respective arguments/submissions. There cannot be any dispute that the power of the High Courts to issue directions, orders or writs including writs in the nature of habeas corpus, certiorari, mandamus, quo warranto and prohibition under Article 226 of the Constitution is a basic feature of the Constitution and cannot be curtailed by parliamentary legislation—L. Chandra Kumar v.Union of India [(1997) 3 SCC 261 : 1997 SCC (L&S) 577]. However, it is one thing to say that in exercise of the power vested in it under Article 226 of the Constitution, the High Court can entertain a writ petition against any order passed by or action taken by the State and/or its agency/instrumentality or any public authority or order passed by a quasi-judicial body/authority, and it is an altogether different thing to say that each and every petition filed under Article 226 of the Constitution must be entertained by the High Court as a matter of course ignoring the fact that the aggrieved person has an effective alternative remedy. Rather, it is settled law that when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.*

***12.** In Thansingh Nathmal v. Supdt. of Taxes [AIR 1964 SC 1419] this Court adverted to the rule of self-imposed restraint that the writ petition will not be entertained if an effective remedy is available to the aggrieved person and observed: (AIR p. 1423, para 7)*

> *"7.... The High Court does not therefore act as a court of appeal against the decision of a court or tribunal, to correct errors of fact, and does not by assuming jurisdiction under Article 226 trench upon an alternative remedy provided by statute for obtaining relief. Where it is open to the aggrieved petitioner to move another tribunal, or even itself in another jurisdiction for obtaining redress in the manner provided by a statute, the High Court normally will not permit by entertaining a petition under Article 226 of the Constitution the machinery created under the statute to be bypassed, and will leave the party applying to it to seek resort to the machinery so set up."*

***13.** In Titaghur Paper Mills Co. Ltd. v. State of Orissa [(1983) 2 SCC 433 : 1983 SCC (Tax) 131] this Court observed: (SCC pp. 440-41, para 11)*

> *"11.... It is now well recognised that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by that statute only must be availed of. This rule was stated with great clarity by Willes, J. In Wolverhampton New Waterworks Co.v. Hawkesford [(1859) 6 CBNS 336 : 141 ER 486] in the following passage: (ER p. 495)*

'… There are three classes of cases in which a liability may be established founded upon a statute. … But there is a third class viz. where a liability not existing at common law is created by a statute which at the same time gives a special and particular remedy for enforcing it. … The remedy provided by the statute must be followed, and it is not competent to the party to pursue the course applicable to cases of the second class. The form given by the statute must be adopted and adhered to.'

The rule laid down in this passage was approved by the House of Lords in Neville v. London Express Newspapers Ltd. [1919 AC 368 : (1918-19) All ER Rep 61 (HL)] and has been reaffirmed by the Privy Council in Attorney General of Trinidad and Tobago v. Gordon Grant and Co. Ltd. [1935 AC 532 (PC)] and Secy. of State v. Mask and Co. [(1939-40) 67 IA 222 : AIR 1940 PC 105] It has also been held to be equally applicable to enforcement of rights, and has been followed by this Court throughout. The High Court was therefore justified in dismissing the writ petitions in limine."

14. *In Mafatlal Industries Ltd. v. Union of India [(1997) 5 SCC 536] B.P. Jeevan Reddy, J. (speaking for the majority of the larger Bench) observed: (SCC p. 607, para 77)*

"77. … So far as the jurisdiction of the High Court under Article 226—or for that matter, the jurisdiction of this Court under Article 32—is concerned, it is obvious that the provisions of the Act cannot bar and curtail these remedies. It is, however, equally obvious that while exercising the power under Article 226/Article 32, the Court would certainly take note of the legislative intent manifested in the provisions of the Act and would exercise their jurisdiction consistent with the provisions of the enactment."

15. *In the judgments relied upon by Shri Vaidyanathan, which, by and large, reiterate the proposition laid down in Baburam Prakash Chandra Maheshwari v. Antarim Zila Parishad [AIR 1969 SC 556], it has been held that an alternative remedy is not a bar to the entertaining of writ petition filed for the enforcement of any of the fundamental rights or where there has been a violation of the principles of natural justice or where the order under challenge is wholly without jurisdiction or the vires of the statute is under challenge.*

16. *It can, thus, be said that this Court has recognised some exceptions to the rule of alternative remedy. <u>However, the proposition laid down in Thansingh Nathmal v. Supt. of Taxes [AIR 1964 SC 1419] and other similar judgments that the High Court will not entertain a petition under Article 226 of the</u>*

Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field."

(Emphasis Supplied)

34. In ***Radha Krishan Industries vs. State of Himachal Pradesh and Others***, reported in (2021) 6 SCC 771, this Court has held as under:

> *"**25.** In this background, it becomes necessary for this Court, to dwell on the "rule of alternate remedy" and its judicial exposition. In Whirlpool Corpn. v. Registrar of Trade Marks [Whirlpool Corpn. v. Registrar of Trade Marks, (1998) 8 SCC 1] , a two-Judge Bench of this Court after reviewing the case law on this point, noted : (SCC pp. 9-10, paras 14-15)*
>
> > *"14. The power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provision of the Constitution. This power can be exercised by the High Court not only for issuing writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the Fundamental Rights contained in Part III of the Constitution but also for "any other purpose".*
> >
> > *15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field."*
> >
> > (emphasis supplied)
>
> ***26.** Following the dictum of this Court in Whirlpool [Whirlpool Corpn. v. Registrar of Trade Marks, (1998) 8 SCC 1], in Harbanslal Sahnia v. Indian Oil Corpn. Ltd. [Harbanslal*

Sahnia v. Indian Oil Corpn. Ltd., (2003) 2 SCC 107] , this Court noted that : (Harbanslal Sahnia case [Harbanslal Sahnia v. Indian Oil Corpn. Ltd., (2003) 2 SCC 107] , SCC p. 110, para 7)

> *"7. So far as the view taken by the High Court that the remedy by way of recourse to arbitration clause was available to the appellants and therefore the writ petition filed by the appellants was liable to be dismissed is concerned, suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies : (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural justice; or (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged. (See Whirlpool Corpn.v. Registrar of Trade Marks [Whirlpool Corpn. v. Registrar of Trade Marks, (1998) 8 SCC 1] .) The present case attracts applicability of the first two contingencies. Moreover, as noted, the appellants' dealership, which is their bread and butter, came to be terminated for an irrelevant and non-existent cause. In such circumstances, we feel that the appellants should have been allowed relief by the High Court itself instead of driving them to the need of initiating arbitration proceedings."*
>
> (emphasis supplied)

27. *The principles of law which emerge are that:*

27.1. *The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well.*

27.2. *The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person.*

27.3. *Exceptions to the rule of alternate remedy arise where : (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged.*

27.4. *An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law.*

27.5. *When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion.*

27.6. *In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.*

28. *These principles have been consistently upheld by this Court in Chand Ratan v. Durga Prasad [Chand Ratan v. Durga Prasad, (2003) 5 SCC 399] , Babubhai Muljibhai Patel v. Nandlal Khodidas Barot [Babubhai Muljibhai Patel v. Nandlal Khodidas Barot, (1974) 2 SCC 706] and Rajasthan SEB v. Union of India [Rajasthan SEB v. Union of India, (2008) 5 SCC 632] among other decisions."*

(Emphasis Supplied)

35. Recently, a three-Judge Bench of this Court in ***PHR Invent Educational Society vs. UCO Bank and Others***, reported in (2024) 6 SCC 579, has held as under:

*"**37.** It could thus clearly be seen that the Court has carved out certain exceptions when a petition under Article 226 of the Constitution could be entertained in spite of availability of an alternative remedy. Some of them are thus:*

(i) where the statutory authority has not acted in accordance with the provisions of the enactment in question;

(ii) it has acted in defiance of the fundamental principles of judicial procedure;

(iii) it has resorted to invoke the provisions which are repealed; and

(iv) when an order has been passed in total violation of the principles of natural justice.

38. *It has however been clarified that the High Court will not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance."*

(Emphasis Supplied)

36. A careful perusal of the aforesaid judgments leads us to the conclusion that where an efficacious alternate remedy is available, the High Court should not entertain a writ petition under Article 226 of the Constitution of India in matters falling squarely within the domain of the Tribunals.

37. Nevertheless, a writ petition under Article 226 may still be maintainable notwithstanding the existence of such an alternative remedy in exceptional circumstances, including the enforcement of fundamental rights guaranteed under Part III of the Constitution; instances of *ultra vires* or illegal exercise of power by a statutory authority; violation of the principles of natural justice; or where the *vires* of the parent legislation itself is under challenge. While these exceptions have been carved out and reiterated by this Court in a catena of decisions, the facts of the present case do not fall within any of these exceptions so as to warrant the maintainability of the writ petitions before the High Court.

38. The Act of 1985 empowers the Tribunals to deal exclusively with service matters with the intention to reduce the burden on Courts, who were otherwise dealing with service matters along with the other cases. The idea behind establishing the Tribunals

was to provide speedy reliefs to the aggrieved persons in respect of their grievances in relation to service matters.

39. The Act of 1985 came into force in the State of Karnataka w.e.f. 01.01.1985 *vide* G.S.R. 956(E), dated 31.12.1985. In the Act of 1985, a complete mechanism is provided for disposal of any service matter expeditiously and, therefore, it cannot be said that the statutory remedy before the Tribunal is not an effective remedy.

40. Section 15 of the Act of 1985 which outlines the exclusive jurisdiction of the State Administrative Tribunal and Section 22 bestows upon the Tribunals the power to regulate its own provisions. The said provisions read as under:

> ***"15. Jurisdiction, powers and authority of State Administrative Tribunals****.—(1) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court [***]) in relation to—*
>
> *(a) recruitment, and matters concerning recruitment, to any civil service of the State or to any civil post under the State;*
>
> *(b) all service matters concerning a person [not being a person referred to in clause (c) of this sub-section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation [or society] owned or controlled by the State Government;*
>
> *(c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b), being a person whose services have been placed by any such local or other authority or corporation [or society] or other body as is controlled or*

owned by the State Government, at the disposal of the State Government for such appointment.

(2) The State Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities and corporations [or societies] controlled or owned by the State Government:

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court [***]) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (b) of sub-section (1) of this section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts, it is hereby declared that the jurisdiction, powers and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any matter in relation to which the jurisdiction, powers and authority of the Central Administrative Tribunal extends or is exercisable.

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22. Procedure and powers of Tribunals.*—(1) A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.*

(2) A Tribunal shall decide every application made to it as expeditiously as possible and ordinarily every application shall be decided on a perusal of documents and written

representations and [after hearing such oral arguments as may be advanced].

(3) A Tribunal shall have, for the purposes of [discharging its functions under this Act], the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence of affidavits;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;

(e) issuing commissions for the examination of witness or documents;

(f) reviewing its decisions;

(g) dismissing a representation for default or deciding it ex parte;

(h) setting aside any order of dismissal of any representation for default or any order passed by it ex parte; and

(i) any other matter which may be prescribed by the Central Government."

41. Moreover, Section 24 of the Act of 1985 enables the Tribunals to pass interim orders subject to fulfillment of certain conditions, however, in circumstances where an urgent relief is necessitated, the Tribunal can pass such an interim order bypassing the conditions specified so as to prevent any travesty of justice. Section 24 reads as follows:

"24. Conditions as to making of interim orders.— *Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, an application unless—*

(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and

(b) opportunity is given to such party to be heard in the matter:

Provided that a Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant which cannot be adequately compensated in money but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order."

42. Section 27 of the Act of 1985 also provides the mechanism for execution of orders passed by the Tribunal. Furthermore, Section 35 and 36 also empowers the appropriate government to make rules for efficient functioning of the Tribunals.

43. In exercise of the powers under Sections 35 and 36 of the Act of 1985, the Karnataka Administrative Tribunal (Procedure) Rules, 1986 have been framed and Rule 15 of the said rules provides a timeline of 6 months to the KSAT for deciding the applications. Additionally, Rule 17 envisages the *ex-parte* hearing of an application.

44. Further, Section 17 of the Act of 1985, gives the power to the Tribunals to the Tribunal to punish for contempt. In exercise of the same, the KSAT has framed the Karnataka Administrative Tribunal (Contempt of Tribunal Proceedings) Rules, 1987 to deal with contempt.

45. In exercise of the powers conferred under Section 22 of the Act of 1985, the KSAT framed the Karnataka Administrative Tribunal (Review Applications) Regulation, 1994 which provides for the powers and procedure of the KSAT to deal with applications for the review of any order passed by the Tribunal.

46. What emerges from the foregoing exposition of law is that the KSAT is equipped with all the powers to effectively and holistically deal with a matter presented before it and do complete justice to the same.

47. Thus, we are of the considered view that the Division Bench of the High Court has rightly set aside the judgment passed by the Single Judge and had not committed any illegality in partly allowing the appeals by the first set of appellants (A) and relegating the matter to the KSAT for adjudication. The Division Bench of the High Court had rightly held that their writ petitions before the High Court are not maintainable.

48. So far as the contention of the appellants of the first set of appeals (A), that the Division Bench has erred in not reviving the provisional select list dated 18.11.2022, we are of the view that the same has no merit since, the appellants of the first set of the appeals (A) were figured in only the provisional select list issued

on 18.11.2022 and, therefore, no right has been accrued to them. Any direction issued by the High Court to act on, the provisional select list dated 18.11.2022 would result in confusion and a complex situation and, therefore, we do not find any error in the impugned judgment of the Division Bench of the High Court, wherein it has not revived the provisional select list dated 18.11.2022.

49. As a result, this batch of appeals is dismissed. The interim directions passed by this Court on 03.01.2024, 22.01.2024 and 04.10.2024 are made absolute with a clarification that the 500 posts which were kept reserved pursuant to the Order dated 04.10.2024 shall be filled as per the final judgment passed by the KSAT.

50. In the facts and circumstances of the case, it is expected that the KSAT shall make every endeavour to decide any application preferred on behalf of the appellants of the second set of appeals (B) pursuant to liberty granted by the Division Bench of the High Court of Karnataka *vide* impugned judgment, expeditiously, preferably within six months from the date of filing of such application/applications. Further, it is made clear herein that we have only dealt with the maintainability of the writ petitions

before the High Court and not gone into the merits of the instant case.

51. With these observations, the present appeals and all pending/interim applications stand disposed of.

..... J.
(J.K. MAHESHWARI)

..... J.
(VIJAY BISHNOI)

NEW DELHI,
Dated: 16th October, 2025