

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.63405/2016 (SC - ST)

R

BETWEEN

SRI M.B.SIDDALINGASWAMY
S/O LATE J.BETTAIAH,
AGED ABOUT 38 YEARS,
WORKING AS SUPERINTENDENT,
OFFICE OF DIRECTOR,
DEPARTMENT OF PRE UNIVERSITY EDUCATION,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM, BENGALURU - 560 012.

... PETITIONER

(BY SRI M.S.BHAGWAT, ADVOCATE (VIDEO
CONFERENCING))

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF EDUCATION
(PRIMARY AND SECONDARY),
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
M.S.BUILDING, BENGALURU - 560 001.

2. THE DIRECTOR
DEPARTMENT OF
PRE UNIVERSITY EDUCATION
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM, BENGALURU - 560 012.

3. THE JOINT DIRECTOR,
DEPARTMENT OF PRE UNIVERSITY EDUCATION,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU - 560 012.
4. THE PRESIDENT
KARNATAKA STATE SCHEDULED CASTES
AND SCHEDULE TRIBES COMMISSION,
NO.14/3, NEAR RESERVE BANK,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
5. SRI K.R.MURALIDHAR
MAJOR,
WORKING AS SUPERINTENDENT,
OFFICE OF DIRECTOR
DEPARTMENT OF PRE UNIVERSITY EDUCATION
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM, BENGALURU - 560 012.

... RESPONDENTS

(BY SMT.SAVITHRAMMA, HCGP FOR R1 TO R3 (PHYSICAL
HEARING);
SRI JAGADISH, ADVOCATE FOR R4 (VIDEO
CONFERENCING)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE IMPUGNED ORDER DTD.11.11.2016 PASSED BY THE
R-4 ON THE PETITION FILED BY THE R-5 VIDE ANNEX-A
ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE
FOLLOWING:

ORDER

The petitioner in this writ petition has called in question the order dated 11.11.2016 passed by the State Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as 'the Commission' for short) giving certain directions in favour of the fifth respondent.

2. Brief facts leading to the filing of the present petition are that the petitioner belonging to Scheduled Caste was appointed as a Second Division Assistant on 26-07-1999 in the 2nd respondent/ Directorate of Pre-University Education of the State Government and was later promoted to the cadre of First Division Assistant on 29-12-2005 and with effect from 17-09-2012 was promoted as Superintendent.

3. The fifth respondent also belonging to Scheduled Caste was permanently transferred from

the Department of Public Instructions to the Directorate of 2nd respondent and was promoted in the Education Department on 14-10-2015. Thus the petitioner came to be promoted as Superintendent on 17-09-2012 and the fifth respondent on 14-10-2015 and the *inter se* seniority was worked out accordingly i.e., from the date of entry into service in the cadre of Superintendent.

4. Fifth respondent filed a petition before the 4th respondent/ Commission in case No.47 of 2015 contending that the fifth respondent was senior to the petitioner and he was entitled to retrospective promotion to the post of Superintendent from 17.09.2012 and also sought extension of monetary benefits including arrears of salary and fixation of seniority above the petitioner in the cadre of Superintendent. Fifth respondent had not initially arrayed the petitioner as a party respondent. On

coming to know that the fifth respondent has filed a petition before the Commission, the petitioner filed an impleading application seeking his impleadment in the proceedings on the ground that any order that would be passed would affect his service conditions and therefore, he should be made a party and heard.

5. The Commission issued notice on the impleading application and directed the petitioner to appear on 29-07-2016 and thereafter the order impugned dated 11-11-2016 was passed. By the impugned order dated 11-11-2016 the Commission directed the State Government to accord retrospective seniority to the fifth respondent with effect from 17-09-2012 and also grant him all consequential monetary benefits and also effect correction of date of entry into service of Superintendent in the seniority list *inter se* between the petitioner and the fifth

respondent. The impugned order of the Commission dated 11.11.2016, reads as follows:

"ನಿರ್ದೇಶನ

ವಾದಿ ಸಲ್ಲಿಸಿದ ಪ್ರಥಮ ದರ್ಜೆಯ ಸಹಾಯಕರ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ಸರಿಪಡಿಸಿ, ಪ್ರಸ್ತುತ ಅಧೀಕ್ಷಕರ ಹುದ್ದೆಯ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ಕೂಡಲೇ ಸರಿಪಡಿಸುವ ಬಗ್ಗೆ ಎದುರುದಾರರಿಗೆ ಸೂಚಿಸಲಾಯಿತು ಮತ್ತು ಇಂಪ್ಲೀಡ್ ಅರ್ಜಿದಾರರನ್ನು ಆಯೋಗವು ವಿಚಾರಣೆ ನಡೆಸಲಾಗಿ ಹಾಗೂ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳಿಂದ ಕಂಡುಬಂದಿರುವುದರಿಂದ ಅರ್ಜಿದಾರರಾದ ಕೆ ಆರ್ ಮುರಳೀಧರ ಇವರಿಗೆ ದಿನಾಂಕ:-17-09-2012 ರಿಂದ ಅಧೀಕ್ಷಕರ ಹುದ್ದೆಗೆ ಪೂರ್ವಾನ್ವಯವಾಗುವಂತೆ ಆರ್ಥಿಕ ಸೇವಾ ಸೌಲಭ್ಯವನ್ನು ನೀಡಿ ಹಾಗೂ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ಸರಿಪಡಿಸಲು ಎದುರುದಾರರಿಗೆ ಸೂಚಿಸಲಾಯಿತು. ಈ ಪ್ರಕರಣವು ಹಳೆಯದಾಗಿದ್ದರಿಂದ ಹದಿನೈದು ದಿನದೊಳಗಾಗಿ ಕ್ರಮ ವಹಿಸಲು ಸೂಚಿಸಿದೆ, ಹಾಗೂ ಕೈಗೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ಆಯೋಗಕ್ಕೆ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಲಾಯಿತು."

It is the aforesaid direction issued by the Commission that is called in question by the petitioner in this petition.

6. Heard Sri M.S.Bhagwat, learned counsel for petitioner, Smt. Savithramma, learned High Court

Government Pleader for first to third respondents, Sri Jagadish, learned counsel for fourth respondent and Sri A.R.Shashi Kumar, learned counsel for fifth respondent and perused the material on record.

7. The learned counsel Sri M.S. Bhagwat, appearing for the petitioner would submit that the very petition before the Commission was not maintainable as the fifth respondent being a Government servant had to approach the Karnataka State Administrative Tribunal for redressal of his grievance and the Commission had no jurisdiction to issue direction of the kind that is issued in the impugned order.

8. On the other hand, the learned counsel appearing for the Commission and the State would contend that redressal of grievance of a citizen belonging to Scheduled Caste or Scheduled Tribe is

the duty of the Commission when discrimination against such candidate is evident on the face of it.

9. I have given my anxious consideration to the submissions made by the learned counsel for the parties and have perused the material on record and in furtherance thereof the question that arises for my consideration is

"whether the Commission was well within its jurisdiction to give a positive direction to the State Government upon adjudication of rights of the parties?"

10. To consider the aforesaid issue, it is germane to notice the genesis of the Commission. With the objective of replacing the Special Officer created under Article 338 when the Constitution was adopted, with a high level Five Member Commission for more effective management of constitutional safeguards for scheduled castes and scheduled tribes,

the Constitution (65th amendment) Act, 1990 was enacted. The statement of objects and reasons for the amendment read as follows:

“STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides for a Special Officer for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President on their working. It is felt that a high level five-member Commission under article 338 will be a more effective arrangement in respect of the constitutional safeguards for Scheduled Castes and Scheduled Tribes than a single Special Officer as at present. It is also felt that it is necessary to elaborate the functions of the said Commission so as to cover measures that should be taken by the Union or any State for the effective

implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and to entrust to the Commission such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to any law made by Parliament, by rule specify. It is also felt that the reports of the said Commission shall be laid before Parliament and the Legislatures of the States.”

11. Article 338 of the Constitution post amendment reads as follows:

“National Commission for Scheduled Castes and Scheduled Tribes.”

338. (1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.

(2) *Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.*

(3) *The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.*

(4) *The Commission shall have the power to regulate its own procedure.*

(5) *It shall be the duty of the Commission—*

(a) *to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;*

(b) *to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;*

- (c) *to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;*
- (d) *to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;*
- (e) *to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and*
- (f) *to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.*

(6) *The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the*

recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;***
- (b) requiring the discovery and production of any document;***
- (c) receiving evidence on affidavits;***

- (d) requisitioning any public record or copy thereof from any court or office;**
- (e) issuing commissions for the examination of witnesses and documents;**
- (f) any other matter which the President may, by rule, determine.**

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.

(10) In this Article, references to the Scheduled Castes Scheduled Tribes shall be construed as including the references to such other backward classes as the President may on receipt of the report of a Commission appointed under clause (1) of Article 301 of the Constitution by order specify and also to the Anglo-Indian community."

(emphasis supplied)

12. Post the aforesaid amendment the duties of the Commission were to investigate and monitor all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes and enquire into specific

complaints with respect to deprivation of rights and safeguards of Scheduled Castes and Scheduled Tribes. One major change that was brought about in the 65th amendment to Article 338 was that it vested the Commission with all the powers of a civil Court trying a suit while investigating any matter referred to it under sub-clause (a) or enquiring into any complaint referred it under sub-clause (b) of Clause (5) of Article 338.

13. In terms of Article 338 of the Constitution, the Karnataka Scheduled Castes and Scheduled Tribes Act, 2002 (hereinafter referred to as 'the Act for short) was notified. Powers and functions of the State Commission constituted under the Act are akin to the powers and functions of the National Commission as indicated hereinabove. Sections 8 and 10 of the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002 (hereinafter referred

to as 'the said Act' for short) deal with powers and functions of the State Commission, which read as follows :

"Section 8 : Functions of the Commission :

The functions of the commission shall be as follow:

(a) to investigate and examine the working of various safeguards provided in the constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Castes and the Scheduled Tribes of Karnataka and;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Castes and the Scheduled Tribes of Karnataka and to take up such matter with the appropriate authorities;

(c) to participate and advise on the planning process of socio economic development of the Scheduled Castes and the Scheduled Tribes and to evaluate the progress of their development in the State.

(d) to make recommendations as to the measures that should be taken by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio economic development of the Scheduled Castes and the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deem fit.

(e) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and the Scheduled Tribes as may be prescribed:

Provided that if any matter specified in this section is dealt with by the National Commission for Scheduled Castes and the Scheduled Tribes established under Article 338 of the Constitution of India the State Commission for Scheduled Castes and the Scheduled Tribes shall cease to have jurisdiction on such matter."

Section 10 : Powers of Commission:-

The Commission shall, while investigating any matter under section 8, have all the powers of a civil court in trying a suit and in particular, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;*
- (b) requiring the discovery and production of any document;*
- (c) receiving evidence on affidavits;*

- (d) *requisitioning any public record or copy there of from any court or office;*
- (e) *issuing Commissions for the examination of witnesses and documents; and*
- (f) *any other matter which may be prescribed."*

A reading of the afore-extracted Sections 8 and 10 of the said Act, makes it abundantly clear that the Commission is not empowered to adjudicate upon the rights of parties. The power vested with the Commission of Inquiry and submission of a report cannot be extended to adjudicate all disputes between individual and a State or a statutory authority. The powers conferred do not contemplate that the Commission can examine matters like a civil Court and adjudicate dispute and pronounce its decision either interim or final or issue a direction of the kind that is issued in the case on hand.

14. The Commission cannot be construed to be a Tribunal or a forum discharging the functions of a judicial character or Court. Article 338 of the Constitution itself does not entrust the Commission with the power to take up the role of a Court or an adjudicatory Tribunal and determine the rights of parties *inter se*.

15. Clause (8) of Article 338 gives all the powers of a civil Court trying a suit but the said powers are to be exercised while investigating any matter referred to it in the clauses aforementioned which would make it clear that the powers bestowed upon the Commission by the Constitution are procedural powers of the civil Court for the purpose of investigating and enquiring into matters and are limited only for that purpose. The procedure that is conferred under Article 338 cannot be confused to be conferring a substantive

power akin to that of a civil Court or a Tribunal which are adjudicating bodies of disputes of citizens.

16. The Apex Court in the case of **ALL INDIA INDIAN OVERSEAS BANK SC AND ST EMPLOYEES' WELFARE ASSOCIATION & OTHERS v. UNION OF INDIA AND OTHERS** reported in **(1996) 6 SCC 606** has laid down as under:-

"3. The short question that arises for consideration in this matter is whether the Commission had the power to issue a direction in the nature of an interim injunction? The appellant supports the letter dated 4-3-1993 of the Commission on the facts of the case which supposedly justify the passing of an interim direction of the type contained in the letter dated 4-3-1993. The appellant refers to Article 338, clauses (5) and (8) of the Constitution introduced by the Constitution (Sixty-fifth Amendment) Act, 1990 to argue that the Commission had power to requisition public record and hence it could issue directions as if it enjoyed powers like a civil court for all purposes. Further the appellant contends that even a single member of the Commission has every authority to pass

a direction on behalf of the entire Commission and hence the High Court was wrong in expressing the view that a single member of the Commission could not have issued the direction contained in the letter dated 4-3-1993. The appellant further contends that no writ would lie against an interim order of the Commission.

4. The basic question, however, is whether the Commission had the authority to issue the direction it did by the letter dated 4-3-1993. Clauses (5) and (8) of Article 338 of the Constitution, which the appellant refers to as the source of the Commission's power, can be quoted for ready reference:

"(5) It shall be the duty of the Commission--

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Commission or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of

the Scheduled Castes and Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each

House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause 5, have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may, by rule, determine."

5. It can be seen from a plain reading of clause (8) that the Commission has the power of the civil court for the purpose of conducting an investigation contemplated in sub-clause (a) and an inquiry into a complaint referred to in sub-clause (b) of clause (5) of Article 338 of the Constitution.

6. Sub-clauses (a) to (f) of clause (8) clearly indicate the area in which the Commission may use the powers of a civil court. The Commission has the power to summon and enforce attendance of any person from any part of India and examine him on oath; it can require the discovery and production of documents, so on and so

forth. All these powers are essential to facilitate an investigation or an inquiry. Such powers do not convert the Commission into civil court.

(emphasis supplied)

In terms of the above extracted judgment of the Apex Court it becomes unmistakably clear that the Commission is not empowered to adjudicate and decide disputes between the parties and pronounce its orders either interim or final.

17. It is also apposite to refer to a later judgment of the Apex Court in the case of ***COLLECTOR v. AJIT JOGI*** reported in ***(2011) 10 SCC 357***, which reads as follows:

"17. It is evident from Article 338 as it originally stood, that the Commission was constituted to protect and safeguard the persons belonging to Scheduled Castes and Scheduled Tribes by ensuring: (i) anti-discrimination, (ii) affirmative action by way of reservation and empowerment, and (iii) redressal of grievances. The duties under clause 5(b) of Article 338 did

not extend to either issue of caste/tribe certificate or to revoke or cancel a caste/tribe certificate or to decide upon the validity of the caste certificate. Having regard to sub-clause (b) of clause (5) of Article 338, the Commission could no doubt entertain and enquire into any specific complaint about deprivation of any rights and safeguards of Scheduled Tribes. **When such a complaint was received, the Commission could enquire into such complaint and give a report to the Central Government or the State Government requiring effective implementation of the safeguards and measures for the protection and welfare and socio-economic development of the Scheduled Tribes. This power to enquire into "deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes" did not include the power to enquire into and decide the caste/tribe status of any particular individual.** In fact, as there was no effective mechanism to verify the caste/tribe certificates issued to individuals, this Court in *Madhuri Patil v. Commr., Tribal Development* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] directed constitution of scrutiny committees.

22. It is only after recording the said findings, the Commission directed the State Government to verify the genuineness of the ST certificate obtained by the first respondent and initiate action for cancellation of the certificate and also initiate criminal action. **All these were unwarranted. As noticed above, the power under clause 5(b) of Article 338 (or under**

any of the other sub-clauses of clause 5 of Article 338) did not entitle the Commission to hold an inquiry in regard to the caste status of any particular individual, summon documents, and record a finding that his caste certificate is bogus or false. If such a complaint was received about the deprivation of the rights and safeguards, it will have to refer the matter to the State Government or the authority concerned with verification of caste/tribal status, to take necessary action. It can certainly follow up the matter with the State Government or such authority dealing with the matter to ensure that the complaint is inquired into and appropriate decision is taken. If the State Government or the authorities did not take action, the Commission could either itself or through the affected persons, initiate legal action to ensure that there is a proper verification of the caste certificate, but it cannot undertake the exercise itself, as has been done in this case."

In terms of the powers and functions of the Commission under Article 338 of the Constitution and its interpretation in the afore-extracted judgments of the Apex court read with powers and functions of the State Commission under the Act, would make it unmistakably clear that the impugned order which decides the dispute between the petitioner and the

fifth respondent and gives a direction to the State Government to promote the fifth respondent with retrospective effect, correct the seniority, extend all consequential benefits and report the action taken back to the Commission, are all powers which are ostensibly adjudicatory in nature, which power the Commission, in terms of the law laid down by the Apex Court in the cases of **ALL INDIA INDIAN OVERSEAS BANK SC AND ST EMPLOYEES' WELFARE ASSOCIATION & OTHERS v. UNION OF INDIA AND OTHERS** reported in **(1996) 6 SCC 606** and **COLLECTOR v. AJIT JOGI** reported in **(2011) 10 SCC 357** (*supra*) interpreting Article 338 of the Constitution of India, does not have.

18. For the aforesaid reasons, the issue that fell for my consideration is answered holding that the Commission could not have issued such positive direction upon adjudication of a dispute concerning

conditions of service of the petitioner *qua* the fifth respondent. Therefore, the following:

ORDER

- a. The writ petition is allowed.
- b. The order dated 11.11.2016 passed by the fourth respondent – the Karnataka State Scheduled Castes and Scheduled Tribes Commission in case No.47/2015 (Service) is quashed.
- c. No order as to costs.

**Sd/-
JUDGE**