

KARNATAKA ACT NO. 14 OF 2022

THE KARNATAKA CIVIL SERVICES (VALIDATION OF SELECTION AND APPOINTMENT OF 2011 BATCH GAZETTED PROBATIONERS) ACT, 2022

Arrangement of Sections

Sections:

1. [Short title and commencement](#)
2. [Definitions](#)
3. [Validation of selection of 2011 batch Gazetted Probationers](#)
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STATEMENT OF OBJECTS AND REASONS

Act 14 OF 2022 Whereas in Notification dated 03.11.2011, applications were invited by the Karnataka Public Service Commission from eligible candidates for filling up of 362 Group-A and Group-B posts. The Preliminary Examination was conducted on 22.04.2012. The main examination was held from 15.12.2012 to 06.01.2013. Result of the examination, was published on 21.03.2013.

Whereas Karnataka Public Service Commission had conducted the interviews of qualified candidates from 07.05.2013 to 27.05.2013. When the Viva-Voce had been conducted, a candidate by name Dr. Mythri H.P.S. had made a complaint to the then Advocate General on 28.05.2013, in this process, it was alleged that she [Dr. Mythri H.P.S] was eliminated and the candidate below her, was selected to the post of the Assistant Commissioner. She also alleged that demands were made by Dr. Mangala Sridhar, Member, KPSC to pay bribe in order to ensure her selection.

Whereas pursuant thereto, a FIR was registered in the Vidhana Soudha Police Station for the offences under Sections 341, 120-B, 418, 4230, 465 of IPC and Section 7 of the Prevention of Corruption Act, 1988. The Government, by order dated 27.06.2013, directed the investigation to be conducted by the C.I.D. In furtherance, the C.I.D. after investigation had submitted a preliminary/interim report on 10.09.2013

Whereas based on the interim report, the Government issued Government Order dated 15.10.2013/14.08.2014 cancelling the results of the main competitive examination as also the Viva-Voce and directing the Karnataka Public Service Commission to reevaluate the answer script of the main written examination and to conduct Viva-Voce, strictly in accordance with the recommendations of HOTA Committee.

Whereas in the meantime some of the candidates had challenged the action of the Government, by order dated 15.10.2013, by filing Applications before the Karnataka Administrative Tribunal. Slowly, all the affected candidates preferred applications before the Tribunal and the Tribunal granted an 'interim order' directing the State Government not to notify for the '362 posts' which was a subject matter of the 2011 Selection List, till the disposal of the applications.

Whereas during the pendency of the proceedings before the Karnataka Administrative Tribunal, CID had submitted its final report and in its 'final report' had concluded that the officials, who are the then Member of the Karnataka Public Service Commission shown as Accused Nos. 9 to 16 had entered into criminal conspiracy and had misused the official machinery to do favours for candidates seeking to be appointed as Group-A and B employees under the 2011 Notification. The said 8 Accused persons have obtained illegal gratifications from various candidates and had misused their office to grant

appointments for such illegal gratification and thereby had committed the offences under Sections 120-B, 166, 167 of IPC R/w Section 13 (1) (d) and 13 (2) Prevention of Corruption Act, 1988 and Section 37 of IPC.

Whereas it is pertinent to note here that; although the names of certain candidates find a place in the 'charge sheet' for having maintained telephonic contact with some of the Accused, none of them have, themselves been named as Accused either in the charge sheet or in the FIR.

Whereas the Karnataka Administrative Tribunal, in the meantime, had proceeded to hear the matter on merit. After hearing the matter, the Tribunal by its order dated 19.10.2016, allowed the Applications and quashed the Government Order dated 14.08.2014. The Tribunal thereafter directed the State of Karnataka to issue orders of appointment to the Applicants in terms of the provisions of Rule 11(3) of '1997' Rules, within a period of two months from the date receipt of the copy of the order.

Whereas a perusal of the said charge sheet would show that, none of the candidates who are either selected or had participated in the selection process have been named as Accused persons. The gist of the charge sheet filed by the C.I.D discloses that there is a commission of offence of criminal conspiracy by the Chairman, Members and staff and some middlemen to favour certain candidates who are otherwise ineligible or less meritorious by accepting illegal gratifications. Who these candidates are, is not pointedly forthcoming in the report of the C.I.D.

Whereas where these candidates have paid illegal gratification to the Members or the middlemen is also not very forthcoming in the charge sheet. In any view of the matter, this is an aspect to be established before the Court of law after a full fledged trial. In pursuance to this order dated 17.03.2017 the State Government has directed Heads of Departments to issue appointment after verification procedure. Whereas Director, Municipal Administration issued appointment order to 18 candidates. On 27.03.2017 on the 03.04.2017 the RDPR Department has issued appointment orders to 60 candidates.

Whereas this apart, prima-facie the CID Report does not appear to point fingers at any of the other candidates who have participated in the Selection process and form part of the select list. Therefore, the present issue throws up a very pertinent question as to what should be the fate of those candidates against whom there is no allegation or against whom nobody can point a finger of doubt or suspicion. As is being pointed out, can these candidates who have apparently undergone certain struggle/put in efforts to participate and get through the selection process, be punished for no fault of theirs (without establishing their involvement), by holding that the entire list is vitiated due to the conduct of a few persons, if at all, any aspersions can be cast against their conduct.

Whereas mere allegations of malpractice and commission of offences, would not be sufficient or justify the end result of cancelling the appointments

in respect of all the candidates. It is only after the due process of law; is undertaken and when an enquiry or investigation reaches its logical conclusion, which is when it is so established and approval made by a Court of the land, can it be said that the time is right to penalize the delinquent or the offender.

Whereas the State has initiated (on finding some prima facie materials) and awaited these proceedings to reach their logical and final conclusion; failing which, it would defeat the very ends of justice to penalize the candidates who find a place in select list. No member of KPSC or no Candidates has been proved guilty of allegation or convicted in any court of trial.

In writ Petition 13617-13627/2017 Renukambike R and Others Vs the State of Karnataka challenging the order of KAT Hon;ble Division Bench of High Court on 09.03.2018 allowed the writ petition and upheld the G.O. Dated 04.08.2014.

date 09.03.2018 as held as follows;-

“52. In the light of above discussion, we are of the considered view that, the Administrative Tribunal erred in substituting its opinion and therefore, the impugned judgment quashing State Government’s decision to withdraw the is wholly unsustainable. Consequently, direction to the State Government to issue appointment orders to the selected candidates is also rendered unsustainable in law.”

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55. Resultantly, these writ petitions eminently deserve to be allowed and accordingly:

a) Writ Petitions No. 13617-13627/2017 & 14529/2017 and writ Petition No. 11342/2017 are **allowed;**

b) Common order dated 19.10.2016 passed by the Karnataka State Administrative Tribunal, Bangalore, in Applications No. 6268/2014, 6395/2017 c/w 6432/2014 to 6444/2014 & 6598/2014, 7464/2014, 7941/2014 to 7946/2014, 7950/2014 to 7966/2014, 7967/2014, 7968/2014, 7969/2014, 9112/2014 to 9126/2014, 9592/2014 to 9610/2014 and 8298/2015, is **quashed.**

c) Un-official Note, CCEPMA nYtItÀ ,ASÈ 1D,ÀE 139 ,À-ÀÈÀ,À 2016 dated 17.03.2017, issued by Deputy Secretary, DPAR (Services), Government of Karnataka, is **quashed;**

d) Official Memorandum, CCEPMA eÀMEÀ ,ASÈ 19457 rJAJ 32 PÉAJJ,ì 2016-17 dated 27.03.2017, issued by Director, Municipal Administration, Bengaluru, is **quashed;**

e) All orders of appointment/s issued pursuant to Final Select List dated 21.03.2014 prepared by KPSC are declared illegal and shall stand **quashed**; and

f) Government Order, No. 53 of 2014, dated **14.08.2014**, withdrawing requisitions issued to KPSC for selection of Gazetted Probationers for 2011, and to close selection process, is **sustained**.

“56. In view of disposal of these writ petitions, I.A.No. 16/2017 (in W.Ps. No. 13617-13627/2017 & 14529/2017) for impleadment, filed by the applicants claiming to be candidates in 2011 selection, does not survive for consideration and is accordingly disposed of.”

In I.A.No. 4/2018 in Writ Petitions No. 13617-13627/2017 Renukambike R and Others Vs State The Hon'ble High Court in Division bench has held on 13th July 2018 as follows;

“30. For the reasons recorded above, we answer the point No. (i) in the **affirmative** and record our finding that results of written examination are vitiated.”

Re-Point (ii): Whether fresh viva voce can be ordered, if the evaluation of answer scripts are not vitiated?

31. While answering point No. (i), we have recorded that the result of written examination are vitiated. In view of the said finding, we answer this point in the **negative** and record that fresh 'viva voce' cannot be ordered on the basis of existing results of written examination.

Re-Point (iii): Whether fresh evaluation of answer scripts can be ordered, if written examination results are vitiated?

32. While considering this option, it is necessary to take note following aspects:

- ❖ that recruitment process in question is for Gazetted Probationers, 2011;
- ❖ that the preliminary written examination was conducted on 22.04.2012;
- ❖ that the written examination (main) was conducted between 15.12.2012 to 06.01.2013;
- ❖ reckoned from any angle, nearly 8 years have elapsed from the designated year of recruitment and 5 1/2 years from the date of written examination

33. Thus, keeping in view the facts of this case and the time lapse, we are of the clear opinion that, it is not a fit case to direct re-evaluation of answer scripts.

On 13.08.2018: New SLP was filed by Mythri VS the State of Karnataka bearing the dairy no: 30195/2018 before Supreme Court challenging the Hon'ble division bench high court order dated 13.07.2018 and Supreme Court ordered as follows:-

we are not inclined to interfere with the impugned judgment and order. concequently the SLP is dismissed.”

Whereas the State Government filed a new SLP (Dairy No-21729/2019) before the Hon'ble Supreme Court challenging the high court order dated 13.07.2018, The Hon'ble Supreme Court. In this case has ordered as follows:-

“We are not inclined to interfere with impugned order(s) passed by the High Court the SLP are accordingly, dismissed.”

Pending interlocutory applications forms are disposed”.

Having examined the above judgments it is apparent that the Hon'ble High Court has relied in arriving at such decision based on the interim report of the CID. Unless the tainted candidates are segregated and a detail investigation are held and proved guilty in the court of law after due trail it may not be proper to hold the examination as vitiated. Whereas in respect of untainted candidates their sincere efforts has to be respected and their legitimate expectation for having appointed shall be honoured.

It was also bound duty on the State Legislature under article 323(2) of the Constitution to annul the withdrawal of requisition made to KPSC before issue of Government order dated 15.10.2013 on the basis of an interim investigation report of the CID.

It is apparent from para 45 of the High Court judgment in Renukambe Vs. State of Karnataka case dated 9th March 2018 which reads as follows;

“45. In the light of facts recorded by the CID in it's investigation report, we are of the view that there is no error in exercise of their powers under the transaction of business by the State Government in withdrawing the requisition given to the State Public Service Commission.”

Here, in this case the very basis of the judgments in the vitiating the examination process based on the CID interim report itself is misleading. Hence, the Government Orders dated 15.10.2013 and 14.08.2014 respectively suffer from severe procedural infirmity and have no sanctity in the eyes of law especially in view of the ratio laid down by the Apex Court in the case of Babu Varghese v. Kerala State Bar Council reported in 1999(3) SCC 422, which reads as follows:-

“It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any Statute, the act must be done in that manner or not at all. The origin of this rule is traceable to the decision in Taylor VS Taylor (1875) 1Ch.D 426 which was followed by Lord Roche in Nazir Ahmad VS King Emperor AIR 1936 PC 253 who stated as under:

“Where a power is given to do certain thing in a certain way, the thing in a certain way, the thing must be done in that way or not at all.”

Now therefore, it is considered necessary to bring a legislation to annul the action taken by the previous Government without proper approval of the State Legislature and thereby as a resultant the decision of the Hon’ble High Court in this regard.

Whereas the charges made on the candidates in the trial court has reached the logical end and no member of KPSC or candidate has been proved guilty of any offence or convicted in any court of trail.

It is also pertinent to State that the decision of the High Court leads to violation of the Article 14 and 16 of Constitution of India.

Whereas in view of all above matters it is considered necessary to validate the recruitment orders issued by the Government to 2011 Gazetted probationers and to legalise the selection list.

Hence, the Bill.

[L.A. Bill No. 04 of 2022, File No. SAMVYASHAE 02 SHASANA 2022]

[Entry 41 of List II of the Seventh Schedule to the Constitution of India.]

[Published in Karnataka Gazette Extra-ordinary No. 104 in part-IVA dated: 14.03.2022]

KARNATAKA ACT NO. 14 OF 2022

(First Published in the Karnataka Gazette Extra-ordinary on the 14th day of March, 2022)

THE KARNATAKA CIVIL SERVICES (VALIDATION OF SELECTION AND APPOINTMENT OF 2011 BATCH GAZETTED PROBATIONERS) ACT, 2022

(Received the assent of Governor on the 12th day of March, 2022)

Whereas, in Notification dated 03.11.2011, applications were invited by the Karnataka Public Service Commission from eligible candidates for filling up of 362 Group-A and Group-B posts. The Preliminary Examination was conducted on 22.04.2012. The main examination was held from 15.12.2012 to 06.01.2013. Result of the examination was published on 21.03.2013.

Whereas, the Karnataka Public Service Commission had conducted the interviews of qualified candidates from 07-05-2013 to 27-05-2013. When the Viva-voce had been conducted, a candidate by name Dr.Mythri.H.P.S. made a complaint before the then, Advocate General on 28-05-2013 alleging that in this process, she (Dr.Mythri.H.P.S) was eliminated and the candidate below her was selected to the post of the Assistant Commissioner. She has also alleged that demands were made by Smt. Dr.Mangala Sridhar, Member, KPSC in order to ensure her selection.

Whereas, pursuant thereto, a FIR was registered in Crime no 28/2013 dated 25-06-2013 before the Vidhana Soudha police station, Bengaluru alleging for the offences punishable under Section 341,120-B,418,423, 465 of Indian Penal code and under Section 7 of the Prevention of Corruption Act, 1988. The Government by its order dated 27-06-2013 directed the CID to conduct the investigation. The CID after investigation had submitted a preliminary/interim report on 10.09.2013 and submitted chargesheet before the Hon'ble XXIII Additional City Civil and Sessions (Special Court)which was registered as Special Case No.311 /2014.

Whereas, based on the interim report, the Government issued Government Order dated 15.10.2013/14.08.2014 cancelling the results of the main competitive examination and also the Viva-Voce, directing the Karnataka Public Service Commission to reevaluate the answer script of the main written examination and to conduct Viva-Voce strictly in accordance with the recommendations of HOTA Committee.

Whereas, in the meantime some of the candidates had challenged the action of the Government order dated 15.10.2013 by filing applications before the Karnataka Administrative Tribunal. Gradually, all the affected candidates

preferred applications before the Tribunal and the Tribunal granted an 'interim order' directing the State Government not to notify for the '362 posts' which was a subject matter of the 2011 Selection List till the disposal of the applications.

Whereas, during the pendency of the proceedings before the Karnataka Administrative Tribunal, CID had submitted its final report and in its 'final report' had concluded that the officials, who are the then Member of the Karnataka Public Service Commission shown as Accused Nos. 9 to 16 had entered into criminal conspiracy and had misused the official machinery to do favours for candidates seeking to be appointed as Group-A and B employees under the 2011 Notification. The said 8 Accused persons have obtained illegal gratifications from various candidates and had misused their office to grant appointments for such illegal gratification and thereby had committed the offences punishable under Sections 120-B, 166, 167 of Indian Penal Code R/w Section 13 (1) (d) and 13 (2) of Prevention of Corruption Act, 1988 and Section 37 of Indian Penal Code .

Whereas, it is pertinent to note here that, although the names of certain candidates find a place in the 'charge sheet' for having maintained telephonic contact with some of the Accused, none of them have, themselves been named as Accused either in the charge sheet or in the FIR.

Whereas, the Karnataka Administrative Tribunal in the meantime, had proceeded to hear the matter on merit. After hearing the matter, the Tribunal by its order dated 19.10.2016, allowed the Applications and quashed the Government Order dated 14.08.2014. The Tribunal thereafter directed the State of Karnataka to issue orders of appointment to the Applicants in terms of the provisions of Rule 11(3) of '1997' Rules, within a period of two months from the date of receipt of the copy of the order.

Whereas, a perusal of the said charge sheet would show that, none of the candidates who are either selected or had participated in the selection process have been named as Accused persons. The gist of the charge sheet filed by the C.I.D discloses that there is a commission of offence of criminal conspiracy by the Chairman, Members, staff and some middlemen to favour certain candidates who are otherwise ineligible or less meritorious by accepting illegal gratifications. The name of these candidates is not forthcoming in the report of the C.I.D.

Whereas, these candidates alleged to have paid illegal gratification to the Members or the middlemen is also not forthcoming in the charge sheet. In view of the matter, this is an aspect to be established before the Court of law after a full fledged trial. In pursuance to this order dated 17.03.2017, the State Government has directed Heads of Departments to issue Appointment Order after completion of procedure of verification. Whereas, Director, Municipal Administration issued appointment order to 18 candidates. On 27.03.2017 and

on 03.04.2017 the RDPR Department has issued appointment orders to 60 candidates.

Whereas, apart from the aforesaid allegation, prima-facie the CID Report does not appear to point fingers at any of the other candidates who have participated in the Selection process and form part of the selection list. Therefore, the present issue throws up a very pertinent question as to what should be the fate of those candidates against whom there is no allegation and no elements of doubt or suspicion. A relevant question arises as to can these candidates who have apparently undergone certain struggle and put in efforts to participate and get through the selection process, be punished for their no fault (without establishing their involvement), by holding that the entire list is vitiated due to the conduct of a few persons, if at all, any aspersions can be cast against their conduct.

Whereas, mere allegations of malpractice and commission of alleged offences, would not be sufficient to justify the end result of cancelling the appointments in respect of all the candidates. It is only after the due process of law is undertaken by way of an enquiry or investigation reaches its logical conclusion if it is so established and proved before Court of Law, then it be said that the time is right to penalize the delinquent or the offender.

Whereas, the State has initiated (on finding some prima facie materials) and awaited these proceedings to reach their logical and final conclusion failing which, it would defeat the very ends of justice to penalize the candidates who find a place in selection list. No member of KPSC or no Candidates have been proved guilty of alleged offences or are convicted in any court of trial.

In writ Petitions bearing Nos.13617-13627/2017 in case of Smt.Renukambike R and Others Vs the State of Karnataka challenging the order of KAT, the Hon'ble High Court of Karnataka Bengaluru on 09.03.2018 allowed the writ petitions and upheld the G.O. dated 14.08.2014 and held as under;

“52. In the light of above discussion, we are of the considered view that, the Administrative Tribunal erred in substituting its opinion and therefore, the impugned judgment quashing State Government's decision to withdraw the is wholly unsustainable. Consequently, direction to the State Government to issue appointment orders to the selected candidates is also rendered unsustainable in law.”

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55. Resultantly, these writ petitions eminently deserve to be allowed and accordingly:

a) Writ Petitions No. 13617-13627/2017 & 14529/2017 and writ Petition No. 11342/2017 are allowed;

b) Common order dated 19.10.2016 passed by the Karnataka State Administrative Tribunal, Bangalore, in Applications No. 6268/2014, 6395/2017 c/w 6432/2014 to 6444/2014 & 6598/2014, 7464/2014, 7941/2014 to 7946/2014, 7950/2014 to 7966/2014, 7967/2014, 7968/2014, 7969/2014, 9112/2014 to 9126/2014, 9592/2014 to 9610/2014 and 8298/2015, is quashed.

c) Un-official Note, C&PMA nYtA ASi 1D, AE 139, A-EE, A 2016 dated 17.03.2017, issued by Deputy Secretary, DPAR (Services), Government of Karnataka, is quashed;

d) Official Memorandum, C&PMA eAMEA ASi 19457 rJAJ 32 PEUAJJ, i 2016-17 dated 27.03.2017, issued by Director, Municipal Administration, Bengaluru, is quashed;

e) All orders of appointment/s issued pursuant to Final Select List dated 21.03.2014 prepared by KPSC are declared illegal and shall stand quashed; and

f) Government Order, PAögZÄ DzÄ±Ä ASi 1D, AE 53, A-EE, A 2014, AUWEGÄ, dated 14.08.2014, withdrawing requisitions issued to KPSC for selection of Gazetted Probationers for 2011, and to close selection process, is sustained.

“56. In view of disposal of these writ petitions, I.A.No. 16/2017 (in W.Ps. No. 13617-13627/2017 & 14529/2017) for impleadment, filed by the applicants claiming to be candidates in 2011 selection, does not survive for consideration and is accordingly disposed of.”

In I.A.No. 4/2018 in Writ Petitions No. 13617-13627/2017 Renukambike R and Others Vs State The Hon'ble High Court in Division bench has held on 13th July 2018 as follows;

“30. For the reasons recorded above, we answer the point No. (i) in the affirmative and record our finding that results of written examination are vitiated.”

Re-Point (ii): Whether fresh viva voce can be ordered, if the evaluation of answer scripts are not vitiated?

31. While answering point No. (i), we have recorded that the result of written examination are vitiated. In view of the said finding, we answer this point in the negative and record that fresh 'viva voce'

cannot be ordered on the basis of existing results of written examination.

Re-Point (iii): Whether fresh evaluation of answer scripts can be ordered, if written examination results are vitiated?

32. While considering this option, it is necessary to take note following aspects:

- ❖ that recruitment process in question is for Gazetted Probationers, 2011;
- ❖ that the preliminary written examination was conducted on 22.04.2012;
- ❖ that the written examination (main) was conducted between 15.12.2012 to 06.01.2013;
- ❖ reckoned from any angle, nearly 8 years have elapsed from the designated year of recruitment and 5 1/2 years from the date of written examination

33. Thus, keeping in view the facts of this case and the time lapse, we are of the clear opinion that, it is not a fit case to direct re-evaluation of answer scripts.

On 13.08.2018: New SLP was filed by Mythri VS the State of Karnataka bearing the dairy no: 30195/2018 before Supreme Court challenging the Hon'ble division bench high court order dated 13.07.2018 and Supreme Court ordered as follows:-

we are not inclined to interfere with the impugned judgment and order. consequently the SLP is dismissed.”

Whereas the state Government filed a new SLP (Dairy No-21729/2019) before the Hon'ble Supreme Court challenging the high court order dated 13.07.2018, The Hon'ble Supreme Court. In this case has ordered as follows:-

“We are not inclined to interfere with impugned odre(s) passed by the High Court the SLP are accordingly, dismissed.”

Pending interlocutory applications forms are disposed”.

Having examined the above judgments it is apparent that the Hon'ble High Court has relied in arriving at such decision based on the interim report of the CID. Unless the tainted candidates are segregated and a detail investigation are held and proved guilty in the court of law after due trail it may not be proper to hold the examination as vitiated. Whereas in respect of untainted candidates their sincere efforts has to be respected and their legitimate expectation for having appointed shall be honoured.

It was also bound duty on the State Legislature under article 323(2) of the Constitution to annul the withdrawal of requisition made to KPSC before issue of Government order dated 15.10.2013 on the basis of an interim investigation report of the CID.

It is apparent from para 45 of the High Court judgment in Renukambe Vs. State of Karnataka case dated 9th March 2018 which reads as follows;

“45. In the light of facts recorded by the CID in it’s investigation report, we are of the view that there is no error in exercise of their powers under the transaction of business by the State Government in withdrawing the requisition given to the State Public Service Commission.”

Here, in this case the very basis of the judgments in the vitiating the examination process based on the CID interim report itself is misleading. Hence, the Government Orders dated 15.10.2013 and 14.08.2014 respectively suffer from severe procedural infirmity and have no sanctity in the eyes of law especially in view of the ratio laid down by the Apex Court in the case of Babu Varghese v. Kerala State Bar Council reported in 1999(3) SCC 422, which reads as follows:-

“It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any Statute, the act must be done in that manner or not at all. The origin of this rule is traceable to the decision in Taylor VS Taylor (1875) 1Ch.D 426 which was followed by Lord Roche in Nazir Ahmad VS King Emperor AIR 1936 PC 253 who stated as under:

“Where a power is given to do certain thing in a certain way, the thing in a certain way, the thing must be done in that way or not at all.”

Now therefore, it is considered necessary to bring a legislation to annul the action taken by the previous Government without proper approval of the State Legislature and thereby as a resultant the decision of the Hon’ble High Court in this regard.

Whereas the charges made on the candidates in the trail court has reached the logical end and no member of Karnataka Public Service Commission or candidate has been proved guilty of any offence or convicted in any court of trail. It is also pertinent to State that the decision of the High Court leads to violation of the Article 14 and 16 of Constitution of India.

Whereas in view of all above matters it is considered necessary to validate the recruitment orders issued by the Government to 2011 Gazetted probationers and to legalise the selection list.

Now therefore, be it enacted by the Karnataka State Legislature in the seventy third year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Civil Services (Validation of Selection and appointment of 2011 batch Gazetted probationers) Act, 2022.

(2) It shall come into force at once.

2. Definitions.-(1) In this Act unless the context otherwise requires,-
“2011 batch Gazetted probationers” means candidates selected in the 2011 batch Gazetted probationers selection list by the Karnataka Public Service Commission;

(2) Other words and expressions used but not defined shall have the same meaning as defined in the Karnataka State Civil Services Act, 1978.

3. Validation of selection of 2011 batch Gazetted Probationers.-
Notwithstanding anything contained in any judgment, decrees or order of any court, Tribunal or Authority to the contrary and in order to provide Justice to the 2011 batch Gazetted probationers for their no fault, it is hereby enacted as follows:-

- (a) 2011 batch Gazetted probationers selection made by the Karnataka Public Service Commission shall be valid in accordance with law;
- (b) All orders issued on 15.10.2013 and 14.08.2014 by the State Government withdrawing the recruitment process of 2011 batch Gazetted probationers shall stand cancelled.
- (c) The State Government shall take immediate steps to issue appointment orders to 2011 batch Gazetted probationers as per the Karnataka Public Service Commission selection list.
- (d) All appointments of 2011 batch Gazetted Probationers shall be within the extent and in accordance with the provisions of rule 18 of the Karnataka Civil Services (General Recruitment) Rules, 1977. The seniority of the 2011 batch Gazetted Probationers shall come into force on their date of report to the respective post in accordance with the provisions of this Act. The 2011 batch Gazetted Probationers shall not be eligible for the retrospective seniority at any time. The 2011 batch Gazetted Probationers shall not claim seniority retrospectively as matter of right at any time.
- (e) No suit or other proceeding shall be maintained or confirmed in any court or any Tribunal or before any Authority for the review of any such appointment made in accordance with the provisions of this Act.
- (f) No court shall enforce any decree or order to direct the review of any such cases contrary to the provisions of this Act.

4. Power to remove difficulties.-If any difficulty arises in giving effect to the provisions of this Act, the State Government may by General or Special order make such provisions as appears it to be necessary or expedient to remove difficulty.

The above translation of ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವೆಗಳ (2011ನೇ ಸಾಲಿನ ಗೆಜೆಟೆಡ್ ಪ್ರೊಬೇಷನರರ ಆಯ್ಕೆ ಮತ್ತು ನೇಮಕಾತಿಯ ಸಿಂಧುಗೊಳಿಸುವಿಕೆ) ಅಧಿನಿಯಮ, 2022 (2022 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 14) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

THAARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G.SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation