

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 3rd DAY OF SEPTEMBER 2022

BEFORE

THE HON'BLE MR.JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION No.15429 OF 2022

C/W

WRIT PETITION No. 15545 OF 2022

C/W

WRIT PETITION No.15585 OF 2022

C/W

WRIT PETITION No. 15586 OF 2022

C/W

WRIT PETITION No. 15782 OF 2022

C/W

WRIT PETITION No.15788 OF 2022

C/W

WRIT PETITION No. 16019 OF 2022

C/W

WRIT PETITION No. 16417 OF 2022

C/W

WRIT PETITION No. 16805 OF 2022(EDN-RES)

IN W.P.No. 15429/2022

BETWEEN:

- 1 . ESHWAR R
S/O RAMANATHA GUPTA V A
AGED ABOUT 19 YEARS
R/AT NANJUNDESHWARA
LIONS BHAVAN ROAD
SAI MADUVANA LAYOUT
CHIKMAGALURU -577101
KCET NO.22UGEKN205.
- 2 . GAGANA A N
D/O A B NINGAPPA
AGED ABOUT 19 YEARS,
R/AT GAGANA NILAYA
RHB COLONY 8TH CROSS

MAHADEVAPURA BENGALURU
KCET NO.22UGECT071.

- 3 . DARSHAN M B
S/O BALAJI M S
AGED ABOUT 19 YEARS,
R/AT D MALLIGERE HOSAGAVI POST
KOPPA MADDUR TALUK
MANDYA DISTRICT
KCET NO.22UGEVG190.
- 4 . DHANUSHKA S REDDY
D/O SRINIVASA REDDY C N
AGED ABOUT 19 YEARS,
R/AT NO.11, KOMMAGHATTA
KENGARI HOBLI,
BENGALURU
KCET NO.22UGECV120.
- 5 . DURGESH GOWDA S S
S/O S N SAMPATH
AGED ABOUT 19 YEARS,
R/AT VIVEKANDHA NAGAR
BANGARPET KOLAR
KCET NO.22UGERM459.
- 6 . UJJWAL S P
S/O S N PRAKASH
AGED ABOUT 19 YEARS,
R/AT NO.43, 2ND CROSS
MAYANNA LAYOUT
SRIKANTAPURA NAGASANDRA POST
BENGALURU -560073
KCET NO.22UGEPW160.
- 7 . PRATHIKSHA P
D/O PARAMESH R
AGED ABOUT 19 YEARS,
R/AT NO.1 'B' BLOCK
OFFICERS POLICE QUARTERS
ASHOKANAGAR TUMKUR
KCET NO.22UGEYF251.
- 8 . SRUSHTI S SHANKAR
D/O S M SHIVASHANKAR
AGED ABOUT 19 YEARS,
R/AT EVER-SHINE APARTMENTS
15TH MAIN, BASAVESHWARNAGAR

WATER TANK ROAD
BENGALURU –
KCET NO.22UGEAG262

...PETITIONERS

(BY SRI. CHANDRASHEKAR.G.M., ADVOCATE)

AND:

KARNATAKA EXAMINATION AUTHORITY
CET CELL, SAMPIGE ROAD 18TH CROSS
MALLESHWARAM
BENGALURU -560012
REP BY ITS EXECUTIVE DIRECTOR

...RESPONDENT

(BY SRI. N.K. RAMESH., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO PROVIDE AND ALLOT THE PROFESSIONAL COURSE SEATS THEREBY TAKING INTO CONSIDERATION OF MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN CET-2022 AND MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN CET-2022 AND MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN THE QUALIFYING EXAMINATION, EQUAL PROPORTION WHILE DECLARING THE RANKING AND ETC.

IN W.P.No. 15545/2022

BETWEEN:

- 1 . KEERTHANA Y.H.
D/O HANUMANTHA REDDY
AGED ABOUT 19 YEARS,
R/AT VAICHAKURAHALLI VILLAGE
RAMPURA GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT -561210.
- 2 . VANDANA P
D/O Y N PRAKASH
AGED ABOUT 19 YEARS,
R/AT VAICHAKURAHALLI VILLAGE
RAMPURA GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT -561210.
- 3 . DEEKSHITHA R
D/O RAMESHA R
AGED ABOUT 19 YEARS,
R/AT NO.2086, SANTHEMAIDANA
B M ROAD KOLAR,
KOLAR DISTRICT -563101.

- 4 . NEHANANDA A
D/O ANANDA N
AGED ABOUT 19 YEARS,
R/AT DODDAKADTHUR MALUR TALUK
KOLAR DISTRICT-563130.
- 5 . YESHWANTH A
S/O AMARESH C K
AGED ABOUT 19 YEARS,
R/AT TEKAL ROAD
NEAR NANDINI BAR AND RESTAURANT
CHOWDESHWARI NAGAR
KOLAR DISRICT -563101
- 6 . KAVANA R
D/O RAMACHANDRA REDDY
AGED ABOUT 18 YEARS
R/O VANARASI VILLAGE
MUDUWADI POST
KOLAR TALUK AND DISTRICT -563126.
- 7 . SHREYAS R GOWDA
S/O RAVINDRA N
AGED ABOUT 18 YEARS
R/AT BEECHAGONDAHALLI
SANTHEKALLAHALLI POST
KOLAR TALUK AND DISTRICT -5563128.
- 8 . N VASANTHGOWDA
S/O NAGABHUSHANA V
AGED ABOUT 19 YEARS
R/AT NO.68 BOYLSONNENAHALLI
KOLAR DISTRICT-563129.
- 9 . N K HITESH
S/O N H KUMAR
AGED ABOUT 19 YEARS,
R/AT NO.60 NISARGA
4TH CROSS, 5TH MAIN
J B KAVAL INDUSTRIAL AREA
SHANKAR NAGAR, BANGALORE NORTH
BENGALURU -560 096.
- 10 . M B GOURAV
S/O M BYREGOWDA
AGED ABOUT 19 YEARS,
R/AT NO.30 A/2, 19TH B MAIN
14TH CROSS, 1ST BLOCK RAJAJINAGAR

BENGALURU NORTH
BENGALURU -560 010.

- 11 . MADANKUMAR N
S/O MAHADEVASWAMY
AGED ABOUT 19 YEARS,
R/AT NO.195 YATHICH,
JAI MARUHI NAGARA NANDINI LAYOUT
BENGALURU -560 096.
- 12 . KUMARASWAMY S
S/O NAGARAJA S
AGED ABOUT 19 YEARS,
R/AT NO.91 BENNIHALLI
HARAPANAHALLI TALUK
DAVANAGERE DISTRICT-583127.
- 13 . VARSHA C
D/O CHIKKAKESHAVA MURTHY R
AGED ABOUT 19 YEARS,
R/AT NO.3356/3 WARD NO.3
NEAR PRASHANTHI BALAMANDIRA
NORTH EXTENSION
CHIKKABALLAPURA -562101.

PETITIONERS

(BY SRI. D.R.RAVISHANKAR, SR.COUNSEL APPEARING FOR
SRI. SHIVAKUMAR.N., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REP BY THE SECRETARY
DEPARTMENT OF EDUCATION (HIGHER)
VIKASA SOUDHA
BENGALURU -560 001.
- 2 . THE KARNATAKA EXAMINATION AUTHORITY
18TH CROSS ROAD, SAMPIGE ROAD,
MALLESHWARAM,
BENGALURU -560012
REP BY THE EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOCATE GENERAL A/W
SMT. SWETHA KRISHNAPPA., AGA FOR R-1
SRI. N.K. RAMESH., ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING QUASH VIDE ANNEX-C,

THE NOTE DTD 30.07.2022 ISSUED BY THE R-2 AND FURTHER BE PLEASED TO ISSUE A WRIT IN THE NATURE OF MANDAMUS TO REDO THE RANKING STRICTLY IN ACCORDANCE WITH RULE 4(1) (c) OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATION INSTITUTIONS, RULES 2006 AND ETC.

IN W.P.No. 15585/2022

BETWEEN:

- 1 . MANASWINI G
D/O GOPALAKRISHNA M
AGED ABOUT 19 YEARS,
R/AT 1656, 16TH MAIN,
BANASHANKARI 1ST STAGE,
BENGALURU-560 050.
- 2 . SHRAVANI P
D/O PAPANNA G
AGED ABOUT 19 YEARS,
R/AT 17TH MAIN, BEHIND MARUTHI
MANDIR VIJAYANAGAR,
BENGALURU-560 040.
- 3 . ABHISHEK R
S/O RAJU H
AGED ABOUT 19 YEARS,
R/AT 235, 4TH MAIN,
4TH CROSS, AVALLAHALLI,
BENGLAURU-560 085.
- 4 . JAYANTH M S
S/O SOMASHEKAR
AGED 19 YEARS,
R/AT 81, 1ST CORSS,
BRINDAVNA LAYOUT,
KENGERI, BENGLAURU-560 060.
- 5 . SUHAS PAPANASHI
S/O NAGESH PAPANASHI
AGED ABOUT 19 YEARS,
R/AT 310, 3RD FLOOR,
SS SWADHAMA APARTMENTS
SMV LAYOUT 5TH BLOCK, ULLAL
MAIN ROAD, KENGERI,
BENGALURU-560 110.

- 6 . NIKITHA M
D/O MUNIVENKATAPPA MC
AGED ABOUT 19 YEARS,
R/AT 20-21.1ST MAIN ROAD,
6TH CROSS, MSR GREEN CITY LAYOUT,
SEEGEHALLI, K.R.PURAM,
BENGALURU-560 049.
- 7 . A.V.SAMANVITHA BHAT
D/O A VIJAYKUMAR
AGED ABOUT 19 YEARS,
R/AT 746, 2ND MAIN,
E BLOCK, 2ND STAGE, RAJAJINAGAR,
BENGALURU-560 010.

PETITIONERS

(BY SRI. A.S.PONNANNA, SR.COUNSEL APPEARING FOR
SRI. SHATHABISH SHIVANNA., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REP BY THE UNDER SECRETARY,
DEPT OF EDUCATION (PRE UNIVERSITY EDUCATION)
M.S. BUILDING,
BENGALURU-560 001.
- 2 . KARNATAKA EXAMINATIONS AUTHORITY
REP BY THE SECRETARY,
8TH CROSS ROAD, SAMPIGE RD,
MALLESHWARAM, BENGALURU
KARNATAKA-560012.
- 3 . THE STATE OF KARNATAKA
REP BY ADDITIONAL CHIEF SECRETARY
HIGHER EDUCATION DEPT
GOVERNMENT OF KARNATAKA,
ACS ESTABLISHMENT, 2ND GATE,
6TH FLOOR MS BUILDING,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOCATE GENERAL A/W
SMT. SWETHA KRISHNAPPA., AGA FOR R-1 & R-3
SRI. N.K. RAMESH., ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING CALL FOR RECORDS
AND QUASH THE IMPUGNED NOTE DTD.30.7.2022 ISSUED BY
THE R-2 THAT STATES AS PER GOVERNMENT NOTE ORDER
NO.ED147TEC2020 DTD.1.9.2021 THE QUALIFYING MARKS FOR

2021 STUDENTS WAS NOT CONSIDERED FOR THE YEAR 2020-21 AND IS NOT CONSIDERED FOR 2022-23 AS WELL PRODUCED AS ANNEXURE-A AS BEING WHOLLY ARBITRARY UNREASONABLE AND SUFFERING TOTAL NON-APPLICATION OF MIND AND ETC.

IN W.P.No. 15586/2022

BETWEEN:

1. SHUCHITRA.B.
D/O BHYRAPPA.T.R
AGED ABOUT 19 YEARS
R/AT. RAMASWAMY NILAYA
KUNDURU CROSS
OPP. SANGEEVINI NURSERY
BELAGUMBA
TUMAKURU DISTRICT – 572 101.
 2. HANSIKHA VENKATESH
D/O. VENKATESH.G.
AGED ABOUT 19 YEARS
R/AT. NO.3, 1ST FLOOR, 1ST CROSS
ANJANEYA LAYOUT
THINDLU MAIN ROAD, VIDYARANYAPURA
BENGALURU – 560 097.
- ...PETITIONERS
- (BY SRI. D.R.RAVISHANKAR, SR.COUNSEL APPEARING FOR
SRI. SHIVAKUMAR.N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY THE SECRETARY
DEPARTMENT OF EDUCATION (HIGHER)
VIKASA SOUDHA
BENGALURU – 560 001.
 2. THE KARNATAKA EXAMINATION AUTHORITY
18TH CROSS ROAD, SAMPIGE ROAD
MALLESHWARAM
BENGALURU – 560 012.
REP BY THE EXECUTIVE DIRECTOR.
- ...RESPONDENTS
- (BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOATE GENERAL A/W
SMT. SWETHA KRISHNAPPA, AGA FOR R-1
SRI. N.K. RAMESH, ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-C THE NOTE DTD: 30.07.2022 ISSUED BY THE R-2 AND FURTHER BE PLEASED TO ISSUE A WRIT IN THE NATURE OF MANDAMUS TO REDO THE RANKING STRICTLY IN ACCORDANCE WITH RULE 4(1) (c) OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATION AND INSTITUTIONS RULES, 2006 AND ETC.

IN W.P.No. 15782/2022

BETWEEN:

1. MITHRAVINDA B.R.
D/O RAMESH B.M.
AGED ABOUT 19 YEARS
R/AT. BEKKALALE VILLAGE
KOPPA HOBLI, MADDUR TALUK
MANDYA DISTRICT – 571 425.
2. ARCHANA.A.L
D/O ANJINAPPA
AGED ABOUT 19 YEARS
R/AT GUNDAMAGERE VILLAGE & POST
DODDABALLAPUR TALUK
BENGALURU RURAL DISTRICT – 560 097.
3. YAMUNA.A.M D/O. MANJUNATHA D.K
AGED ABOUT 19 YEARS
R/AT. ALUR, HIRIYUR
CHITRADURGA DISTRICT – 577 596.
4. VYSHNAVI .R. D/O RANGE GOWDA .V
AGED ABOUT 19 YEARS
CHINNAGENAHALLI VILLAGE
GOWRIBIDANUR TALUK
CHITRADURGA DISTRICT – 561 211.

...PETITIONERS

(BY SRI. D.R.RAVISHANKAR, SR.COUNSEL APPEARING FOR
SRI. SHIVAKUMAR.N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY THE SECRETARY
DEPARTMENT OF EDUCATION (HIGHER)
VIKASA SOUDHA
BENGALURU – 560 001.

2. THE KARNATAKA EXAMINATION AUTHORITY
18TH CROSS ROAD, SAMPIGE ROAD
MALLESHWARAM,
BENGALURU – 560 012.
REP BY THE EXECUTIVE DIRECTOR.

...RESPONDENTS

- (BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOCATE GENERAL A/W
SMT. SWETHA KRISHNAPPA, AGA FOR R-1
SRI. N.K. RAMESH, ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-C, THE NOTE DTD: 30.07.2022 ISSUED BY THE R-2 AND FURTHER REDO THE RANKING STRICTLY IN ACCORDANCE WITH RULE 4(1) (c) OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS, RULES 2006.

IN W.P.No. 15788/2022

BETWEEN:

- 1 . MR. N. B. THANUSH
S/O. MR. N. BALAJI,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 253,
4TH CROSS, 5TH MAIN,
GOKUL EXTENSION,
DIVANARAPALYA,
BANGALORE-560 054.
- 2 . MR. HRISHIK. L
S/O. MR. LAKSHMIKANTH. L,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 1020,
KUCCHAPPANAPETE,
DODDABALLAPURA-561 203.
- 3 . MS. ANANYA. S. KAMBI
D/O. MR. T. R. SATISH,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 107,
8TH MAIN, 6TH PHASE,
1ST STAGE, MAHAGANAPATHI NAGAR,
RAJAJINAGAR,
BANGALORE-560 010.
- 4 . MR. TEJAS. M
S/O. MR. S. MANJUNATH,

AGED ABOUT 19 YEARS,
RESIDING AT LAKSHMI NARASIMHASWAMI NILAYA,
BEHIND JR. COLLEGE,
PARASHURAMAPURA,
CHALLAKERE TALUK,
CHITRADURGA-577 538.

- 5 . MR. SADASHIVASWAMI HIREMATH
S/O. MR. KUMARASWAMY,
AGED ABOUT 19 YEARS,
RESIDING AT BAGALAKOT MAIN ROAD,
WARD NO.2,VTC AMINAGAD PO,
AMINAGAD,
HUNGUND SUB-DISTRICT,
DISTRICT BAGALKOT-587 112.
- 6 . MR. CHINMAY. G. S.
S/O. MR. SHIVAKUMAR. G. S.,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 1726/11A,
3RD MAIN, 3RD CROSS,
NEAR SVS CONVENT,
NITTUVALLI NEW EXTN.,
DAVANAGERE-577 004.
- 7 . MS. SANJANA. B
D/O. MR. BETTASWAMY. K. N.,
AGED ABOUT 19 YEARS,
RESIDING AT NO.239,
SRI RENUKA NILAYA,
9TH CROSS, NELAMAHESHWARI NAGAR,
T. DASARAHALLI,
BANGALORE NORTH-560 057.
- 8 . MS. DISHITHA. M. R.
D/O. MR. RANGASWAMY. M.R.,
AGED ABOUT 18 YEARS,
RESIDING AT 1ST E CROSS,
G.M. COTTAGE ROAD,
NELAGADRANAHALLI,
GRUHALAKSHMI LAYOUT,
NAGASANDRA POST,
BANGALORE-560 073.
- 9 . MS. YOSHITHA. R
D/O. MR. RAVIRAGHU KUMAR,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 10,
1ST FLOOR, 2ND CROSS,

SRI LAKSHMI VENKATESHWARA NILAYA,
BTM LAYOUT, 1ST STAGE,
OLD MADIWALA,
BANGALORE-560 068.

- 10 . MR. NAVEEN BELLARY
S/O. MR. NAGARAJ BELLARY,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 303,
21ST MAIN, 17TH CROSS,
J. P. NAGAR, 5TH PHASE,
BANGALORE-560 078.
- 11 . MS. IRSHITA SAANCHI
D/O. MR. KRITISH SUVARNA AND MRS. MANJULA,
AGED ABOUT 19 YEARS,
RESIDING AT NO. 2-55/7,
SAIMON LANE, HOLY HILL,
KANAPATHAGGU MARDI,
MANGALORE, DAKSHINA KANNADA,
KARNATAKA-575 005.
- 12 . MR. SINCHAN. K. N.
D/O. MR. NAGARAJ. K.V.,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 3803,
12TH CROSS, 2ND STAGE,
KUMARASWAMY LAYOUT,
BANGALORE-560 078.
- 13 . MR. SUHAS. S
S/O. A. SRINIVASA,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 413,
2/1 MAIN ROAD, 1ST BLOCK,
RAMA KRISHNA NAGAR,
MYSORE-570 023.
- 14 . MS. SUPRIYA. S
D/O. A. SRINIVASAM,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 413,
2/1 MAIN ROAD,
1ST BLOCK, RAMA KRISHNA NAGAR,
MYSORE-570 023.
- 15 . MR. KUSHAL. P. V.
S/O. MR. VEERABHADRAPPA. P.M.,
AGED ABOUT 19 YEARS,

RESIDING AT NO. 72, MAIN ROAD,
GOVINDAPPA STREET,
WARD NO. 13, HOLALKERE,
CHITRADURGA-577 526.

- 16 . MS. ANVITHA J. SHETTY
D/O. MR. K. JYOTHIKUMAR SHETTY,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 503,
SIRIHONEY APARTMENTS,
6TH CROSS, ROAD, KATRIGUPPE,
BSK 3RD STAGE,
BANGALORE-560 085.
- 17 . MS. UMME UBES
D/O. MR. MUSHTAQ AHAMED,
AGED ABOUT 19 YEARS,
RESIDING AT MALEBENUR,
HARIHAR TALUK,
DAVANAGERE.
- 18 . MS. MEGHANA. H. M.
D/O. MR. H. MOHAN,
AGED ABOUT 18 YEARS,
RESIDING AT NO. 2127,
8TH MAIN, D BLOCK, NEAR MANJUSHREE MEDICALS,
2ND STAGE, RAJAJINAGAR,
BANGALORE-560 010.

...PETITIONERS

(BY SRI. S. BASAVARAJ., SR.COUNSEL APPEARING FOR
SRI. RAJENDRA., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY THE UNDER SECRETARY,
DEPARTMENT OF EDUCATION (PRE-UNIVERSITY
EDUCATION) M.S. BUILDING,
BENGALURU-560 001.
- 2 . KARNATAKA EXAMINATIONS AUTHORITY
REPRESENTED BY THE SECRETARY,
8TH CROSS ROAD, SAMPIGE ROAD,
MALLESHWARAM,
BENGALURU-560 012.
- 3 . THE STATE OF KARNATAKA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
HIGHER EDUCATION DEPARTMENT,

GOVERNMENT OF KARNATAKA,
ACS ESTABLISHMENT, 2ND GATE, 6TH FLOOR,
M.S. BUILDING, BENGALURU-560 001.

...RESPONDENTS
(BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOATE GENERAL A/W
SMT. SWETHA KRISHNAPPA, AGA FOR R-1 & R-3
SRI. N.K. RAMESH, ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DTD: 30.07.2022 ISSUED BY R-2, A COPY OF
WHICH IS PRODUCED AND MARKED AS ANNEXURE-A AND ETC.

IN W.P.No. 16019/2022

BETWEEN:

ANEESH SANGAMESHWAR AINAPUR
S/O SANGAMESHWAR AINAPUR
AGED ABOUT 18 YEARS
RESIDING AT: SLNC, LAKSHMI KUTEERA
19TH CROSS, KASHIMATH ROAD
MALLESHWARAM, BENGALURU – 560 003.

...PETITIONER

(BY SRI. SUVARNA LAKSHMI., M.L., ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY THE UNDER SECRETARY,
DEPARTMENT OF EDUCATION (PRE-UNIVERSITY
EDUCATION) M.S. BUILDING,
BENGALURU-560 001.
- 2 . KARNATAKA EXAMINATIONS AUTHORITY
REPRESENTED BY THE SECRETARY,
8TH CROSS ROAD, SAMPIGE ROAD,
MALLESHWARAM, BENGALURU-560 012.
- 3 . THE STATE OF KARNATAKA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KARNATAKA,
ACS ESTABLISHMENT, 2ND GATE, 6TH FLOOR,
M.S. BUILDING, BENGALURU-560 001.

RESPONDENTS
(BY SRI. DHYAN CHINNAPPA, ADDITIONAL ADVOATE GENERAL A/W
SMT. SWETHA KRISHNAPPA, AGA FOR R-1 & R-3
SRI. N.K. RAMESH, ADVOCATE FOR R-2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED NOTE DATED: 30.07.2022 ISSUED BY THE R-2 THAT STATES AS PER GOVERNMENT ORDER NO. ED 14TEC2020 DATED: 01.09.2021 THE QUALIFYING MARKS FOR 2021 STUDENTS WAS NOT CONSIDERED FOR 2022-23 AS WELL PRODUCED AS ANNEXURE-A, AS BEING WHOLLY ARBITRARY, UNREASONABLE AND SUFFERING TOTAL NON-APPLICATION OF MIND AND ETC.

IN W.P.No. 16417/2022

BETWEEN:

1 . B K BHUVAN SAHUL REDDY
S/O B S KRISHNA REDDY
AGED ABOUT 19 YEARS
R/A NO.43, 15TH CROSS
BHUVANESHWARINAGAR
DASARAHALLI, BENGALURU
KCET NO.22UGAU054.

2 . BHUVAN G GOWDA
S/O GOPAL GOWDA
AGED ABOUT 19 YEARS
R/A B G THILAK NAGAR
CHANNARAYAPATNA
HASSAN
KCET NO.22UGEAX017

...PETITIONERS

(BY SRI. CHANDRASHEKAR.G.M., ADVOCATE)

AND:

KARNATAKA EXAMINATION AUTHORITY,
CET CELL, SAMPIGE ROAD 18TH CROSS
MALLESHWARAM
BENGALURU -560012.
REP BY ITS EXECUTIVE DIRECTOR

...RESPONDENT

(BY SRI. N.K. RAMESH., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO PROVIDE AND ALLOT THE PROFESSIONAL COURSE SEATS THEREBY TAKING INTO CONSIDERATION OF MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN CET-2022 AND MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN THE QUALIFYING EXAMINATION,

EQUAL PROPORTION WHILE DECLARING THE RANKING AND ETC.

IN W.P.No.16805/2022

BETWEEN:

SAHANA MAGI
D/O. SANGAMESH
AGED ABOUT 19 YEARS
RESIDING AT RAGHAVENDRA COLONY
NEAR HUNNUR WATER TANK
JAMKHANDI – 587 301
BAGALKOT DISTRICT.
KCET NO.21UGEFT258

...PETITIONER

(BY SRI. SRIKANTH.B., ADVOCATE)

AND:

KARNATAKA EXAMINATION AUTHORITY
CET-CELL, SAMPIGE ROAD
18TH CROSS, MALLESHWARAM
BENGALURU – 560 003.
REP BY ITS EXECUTIVE DIRECTOR.

...RESPONDENT

(BY SRI. N.K.RAMESH., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO PROVIDE AND ALLOT THE PROFESSIONAL COURSE SEATS, THEREBY TAKING INTO CONSIDERATION OF MARKS OBTAINED BY CANDIDATE IN RESPECTIVE SUBJECTS IN CET 2022 AND MARKS OBTAINED BY CANDIDATES IN RESPECTIVE SUBJECTS IN THE QUALIFYING EXAMINATION, EQUAL PROPORTION WHILE DECLARING THE RANKING AND ETC.

THESE PETITIONS ARE BEING HEARD AND RESERVED, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioners in all the petitions are students who completed their II PUC /XII standard from the Karnataka State PU Board/CBSE/ICSE/Equivalent in the year 2021 and intend to take admission into professional undergraduate Engineering and Technical courses for the academic year 2022-23.

2. The selection of candidates for admission to seats in professional Educational Institutions is governed by the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutions Rules, 2006 (for short, "the said Rules of 2006") which have been framed in exercise of powers under Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fees) Act, 1984.

2.1 Rule 3 of the said Rules of 2006 provides for academic eligibility to gain admission into professional courses, while Rule 4 envisages the method for determination of merit of a candidate for admission to the courses under the Rules. Rule 4(1)(c), which is relevant to

the instant petitions contemplates that in respect of Engineering and Technology courses, the merit of a candidate eligible for admission shall be determined with reference to marks obtained by them in the Common Entrance Test (for short, "the CET") and the marks obtained in Physics, Chemistry and Mathematics subjects in the qualifying examination, both taken in equal proportion. The term 'qualifying examination' is defined in Rule 2(t) to mean 2nd year PU examination/XII standard or any other equivalent examination.

2.2 On account of cancellation of the aforesaid II PUC/XII standard examinations for the year 2021, the petitioners did not appear for the said examinations. However, the petitioners were awarded marks and completed their II PUC/XII standard by way of internal assessment by the respective Boards, pursuant to the Government order dated 05.07.2021 issued by the State Government.

2.3 The Karnataka Examination Authority (for short, "KEA") is the nodal agency responsible for conducting examinations for admissions to professional courses. The

KEA conducted the CET for the purpose of admission to undergraduate courses in Engineering and Technology in the year 2021 as well. In this regard, the State Government issued a notification dated 01.09.2021 amending Rule 4 of the said Rules of 2006 by inserting a proviso, which contemplated that in respect of admission to Engineering and Technology courses, merit shall be determined with reference to only the marks obtained in the CET conducted for the academic year 2021-22.

2.4 Pursuant to insertion of the said proviso, all candidates who intended to take admission to Engineering and Technology courses for the academic year 2021-22 were directed to be selected on the basis of marks obtained by them in the CET conducted for the academic year 2021-22, irrespective of when they had completed their II PUC / XII standard, as the case may be. Accordingly, the CET results were announced and ranks were assigned, based on which, admissions were made taking into account only the CET marks and not II PUC/XII standard marks.

2.5 Subsequently, on 18.04.2022, the KEA published an information bulletin inviting applications from

students wishing to appear for the CET in 2022 to gain admission to professional courses, including Engineering and Technology courses for the academic year 2022-23. The said bulletin provided for academic eligibility for Engineering and Technology courses by taking both marks obtained in CET and in qualifying examination in equal proportion. Pursuant to the same, petitioners and other students took the CET in 2022 which was conducted during June-July 2022. Subsequently, on 25.07.2022, the KEA issued a circular directing all ICSE/CBSE candidates who have applied for CET 2022 to upload their XII standard marks in the link published in the KEA website on or before 5:00 pm on 26.07.2022.

2.6 On 30.07.2022, the KEA released the CET results and students' rankings. In addition thereto, the KEA also issued the impugned note dated 30.07.2022 to the effect that the qualifying marks of students of the year 2021, which were not considered for CET ranking for the academic year 2021-22, would not be considered for the academic year 2022-23 as well.

2.7 Aggrieved by the impugned note dated 30.07.2022 issued by the KEA and seeking consequential directions to the respondents to take their II PUC/XII standard and CET marks in equal proportion, the petitioners are before this Court by way of the present petitions.

3. Both the State Government and the KEA have contested the petitions and have filed their respective statements of objections and documents.

4. Heard Sri.D.R.Ravishankar, Sri.S.Basavaraj and Sri.A.S.Ponnanna, learned Senior counsel and other learned counsel for the petitioners and Sri.Dhyan Chinnappa, learned AAG for the respondents-State as well as Sri.N.K.Ramesh, learned counsel for KEA and perused the material on record.

5. In addition to reiterating the various contentions urged by the petitioners and referring to the material on record, learned Senior Counsel for the respective petitioners submitted that the impugned note is illegal,

arbitrary and without jurisdiction or authority of law and contrary to law apart from being unreasoned, non-speaking, cryptic and laconic in addition to being highly discriminatory, irrational, unfair and unjust and the same deserves to be quashed. It is also submitted that necessary directions are to be issued to the respondents to redo the CET ranking in accordance with Rules 3 and 4 of the said Rules of 2006 by taking both the II PUC / XII standard marks and CET marks in equal proportion. It is further submitted that the CET ranking would have to be redone without reference to and without applying the proviso to Rule 4 which was inserted for the limited/restricted purpose of CET examination conducted for the year 2021 for the academic year 2021-22 and was not applicable for CET, 2022 for the academic year 2022-23.

6. Per contra, learned AAG for the State and learned counsel for the KEA, in addition to reiterating the various contentions urged in the statement of objections and referring to the material on record, submitted that the proviso to Rule 4 was applicable to CET, 2022 for

admission to Engineering and Technology courses for the academic year 2022-23 insofar as the petitioners and similarly situated students who completed II PUC / XII standard in the year 2021. In this context, it was pointed out that the petitioners and other students did not take / appear in the qualifying examination in 2021 as provided in the Rules and consequently, the marks obtained by them by way of internal assessment were not taken / reckoned for the purpose of CET ranking for CET, 2021 and admission for the academic year 2021-22. Similarly, since the said students did not take / appear in the qualifying examination which was undisputedly not conducted during 2021, the said internal assessment marks obtained by them for II PUC / XII standard for 2021 cannot be taken or reckoned for CET, 2022 and admission for the academic year 2022-23 also.

6.1 Learned counsel also invited my attention to the statistics narrated in their statement of objections in order to point out that as against the total number of students who have passed II PUC / XII standard in the year 2022, the petitioners and other students, who passed in 2021

were comparatively small in number and as such, their marks obtained by way of internal assessment cannot be taken for the purpose of admission to academic year 2021-22 as rightly stated in the impugned note, which does not warrant interference by this Court in the present petition. It is also submitted that Rule 4 mandates that in order to reckon the II PUC / XII standard marks, it is necessary that the petitioners and other students of the year 2021 ought to have taken the qualifying examination during the said year and since the same was never conducted, the question of taking / reckoning their internal assessment marks for the purpose of either CET, 2021 for the academic year 2021-22 or CET, 2022 for the academic year 2022-23 does not arise. It is therefore submitted that there is no merit in the petitions and that the same are liable to be dismissed.

7. I have given my anxious consideration to the rival submissions and perused the material on record.

8. As stated supra, due to the Covid-19 pandemic, the II PUC / XII standard examinations were not conducted during the year 2021 and all students of that batch

including the petitioners were given marks based upon an internal assessment formula in terms of the Government Order dated 05.07.2021 issued by the State Government. So also, the KEA conducted CET in the year 2021 for admissions to Engineering and Technology undergraduate courses for the academic year 2021-22 and in this regard, the State Government issued a notification dated 01.09.2021 amending Rule 4 of the said Rules of 2006 by inserting a proviso after Rule 4(1)(c) for the purpose of determining merit in respect of Engineering and Technology courses for the academic year 2021-22.

Rule 4(1)(c) along with the said proviso reads as under:-

4. Determination of merit – (1) *The merit of a candidate eligible for admission to the courses under these Rules shall be determined as follows:*

(a) xxxxxxxx

(b) xxxxxxxx

(c) *In respect of Engineering and Technology courses, with reference to the marks obtained in the Entrance Text and the marks obtained in Physics, Chemistry and Mathematics subjects in the qualifying examination, taken in equal proportions.*

Provided that in respect of Engineering and Technology courses, merit shall be determined with respect to marks obtained in the entrance test conducted for the academic year 2021-22”.

9. Pursuant to the same, the respondents conducted CET during 2021 for admission to Engineering and Technology courses for the academic year 2021-22 in terms of the aforesaid proviso. However, until issuance of the impugned note on 30.07.2022, respondents never declared or represented anywhere that the proviso would apply to admissions for the academic year 2022-23 as well. On the other hand, the conduct of the respondents as borne out of the material on record clearly indicates that the proviso would not apply to admissions for the academic year 2022-23.

10. Upon perusal of the entire material on record and on consideration of the rival submissions, I am of the view that the impugned note dated 30.07.2022 issued by the KEA to the effect that the II PUC / XII standard marks obtained by the petitioners in 2021 would not be considered

for the purpose of CET ranking for the academic year 2022-23 deserves to be quashed for the following reasons:-

- A plain reading of the aforesaid proviso to Rule 4 of the said Rules of 2006 makes it explicitly clear that the said proviso was applicable for determination of merit with respect to marks obtained in the Entrance Test (CET) for the academic year 2021-22 only and the same is restricted / limited only to the said period only and not applicable/extended to any other period; any attempt to extend the applicability of the proviso to admissions for the academic year 2022-23 would prove irrational, illogical and unreasonable, since the proviso is restricted to the Entrance Test (CET) conducted for the academic year 2021-22; in other words, in view of the express language employed in the proviso, which was inserted in 2021 and is restricted and limited in its applicability only to the CET 2021 for the academic year 2021-22, the said proviso cannot be extended to the academic year 2022-23 as sought to be done in the impugned note, which is clearly contrary to the proviso and

consequently, the said proviso stood exhausted completely and had spent itself during 2021 itself and the same was clearly inapplicable to CET, 2022 for the academic year 2022-23.

- The proviso inserted to Rule 4 of the said Rules of 2006 on 01.09.2021 was restricted / limited to admissions to Engineering and Technology courses for the academic year 2021-22 and the same cannot be made applicable to the academic year 2022-23, especially when the said proviso stood exhausted and spent in 2021 itself and no further amendment was made in the year 2022 to Rule 4 in any manner, either by way of a new proviso or any other amendment to the extant Rules.
- The proviso to Rule 4 inserted in 2021 clearly indicates that its operation and applicability is restricted and limited to determination of merit with reference to the marks obtained in CET conducted for 2021-22 and the said CET having already been conducted, the said proviso does not survive any longer and is not applicable to CET conducted in the

academic year 2022-23 and the impugned note is contrary to the Rules and deserves to be quashed on this ground also.

- The bulletin issued by the KEA clearly prescribes/provides for eligibility to gain admission by taking both II PUC / XII standard marks and CET marks in equal proportion and in the entire bulletin, there is absolutely no mention as regards not considering the II PUC / XII standard marks for CET ranking for the academic year 2022-23 and consequently, the impugned note is contrary to the bulletin and other documents of the KEA in relation to CET, 2022 and the same deserves to be quashed on this ground as well.
- The KEA having unequivocally and unambiguously represented and held out that eligibility for admission to Engineering and Technology courses for the academic year 2022-23 would be based on taking both II PUC / XII standard marks and CET marks in equal proportion, is estopped from issuing the impugned note directing the said marks not to be

considered for the purpose of CET rankings for 2022-23 and as such, the impugned note is contrary to the principles of legitimate expectation and promissory estoppel and the same deserves to be quashed on this ground also.

- The conduct of the respondents in applying the proviso to Rule 4 dated 01.09.2021 to all candidates, by taking only their CET marks for the academic year 2021-22, irrespective of when they completed II PUC / XII standard, including students of the earlier years i.e., 2018, 2019, 2020 etc., clearly indicates that the respondents were not entitled to apply the proviso only to the students, who completed II PUC / XII standard in 2021 and not to other students of other years and on this score also, the impugned note deserves to be quashed.
- A perusal of the impugned note indicates that the same is neither an executive order as contemplated under Article 162 of the Constitution of India nor a subordinate legislation and since the impugned note does not even purport to amend Rule 4 of the said

Rules of 2006, the impugned note has no legal sanctity or validity and deserves to be quashed.

- The respondents have not placed any material in support of the impugned note which is unreasoned, laconic, non-speaking, cryptic and does not disclose any application of mind and in the absence of any foundation / background shown / established by the respondents prior to the issuance of the impugned note, the same is violative of principles of natural justice and the same deserves to be quashed.
- The marks obtained by the petitioners in II PUC / XII standard in the year 2021 are undisputedly taken into consideration for admission to other undergraduate courses for the academic year 2022-23 and consequently, non-consideration of the same only for Engineering and Technology courses is discriminatory and arbitrary apart from being irrational, unreasonable and unfair and the same deserves to be quashed.
- The impugned note dated 30.07.2022 issued simultaneously along with the CET rankings which

were also issued on the same day is also contrary to the well settled principle of law that “the rules of the game/eligibility criteria cannot be changed after it has begun and/or the selection process is nearing completion”. In this context, it is contended that the impugned note dated 30.07.2022 which seeks to alter the extant selection criteria after the selection process on 18.04.2022 and at the time of its completion on 30.07.2022 is illegal and contrary to the aforesaid principle and the same deserves to be quashed on this ground as well.

- The bulletin issued by the KEA and other documents pertaining to CET 2022, including eligibility, qualifications, merit, etc., which provide taking of both II PUC / XII standard marks and CET marks in equal proportion do not either explicitly or implicitly exclude the marks obtained by petitioners and other students in 2021 and in the absence of any such exclusion, the impugned note is contrary to the aforesaid documents issued by the KEA as well as

the said Rules of 2006 and the same deserves to be quashed.

- The conduct of the KEA in not intimating/informing petitioners and other students who completed II PUC / XII standard in 2021 that their marks would not be considered for the purpose of CET rankings in the academic year 2022-23 until they issued the impugned note on 30.07.2022, has resulted in denying an opportunity to the petitioners and other students to surrender their previous year's II PUC / XII standard marks and retake the II PUC / XII standard Examinations once again is yet another factor/circumstance that would vitiate the impugned order.
- Insofar as the contention urged by the respondents with regard to applicability of the proviso to Rule 4 for the academic year 2022-23 insofar as the petitioners and other students who have completed their II PUC / XII standard in the year 2021 is concerned, as stated supra, a plain and literal reading of the said proviso and the provisions contained in Rules 3 and

4 will clearly indicate that while both II PUC / XII standard marks and CET marks would be taken in equal proportion for the purpose of admission to Engineering and Technology in terms of Rules 3 and 4, only insofar as CET for the academic year 2021–22 is concerned, the proviso carves out an exception by reckoning / taking only the CET marks by restricting and limiting the operation of the proviso only to 2021-22 and not for admissions for the academic year 2022-23 and consequently, the said contention urged by the respondents cannot be accepted.

- Insofar as the reliance placed upon the statistics as regards the number of students, who took CET in 2021 who are repeating the same in 2022, as against students who took CET for the first time in 2022 is concerned, the said statistics cannot be made the basis to either interpret the proviso to Rule 4 nor come to the conclusion that the impugned note is legal, valid and proper and consequently, even this

contention urged by the respondents cannot be accepted.

- Insofar as the contention urged by the respondents that since the petitioners and other students who passed II PUC / XII standard in the year 2021 did not take the qualifying examinations, the marks received by them for the purpose of admission to Engineering and Technology courses in CET, 2022 cannot be taken at all is concerned, accepting the said contention and taking their II PUC / XII standard marks obtained by them through internal assessment as “Nil”, would lead to and result in absurd consequences which cannot be countenanced in the facts and circumstances of the instant case and as such, even this contention urged by the respondents cannot be accepted.

11. Though both sides have placed reliance upon decisions in support of their respective contentions, having regard to the fact that the present petitions deserve to be disposed of in the peculiar / special facts and

circumstances obtaining in the instant case, I do not deem it necessary to refer to the said decisions / judgments for the purpose of disposal of the present petitions.

12. In the result, I pass the following:-

ORDER

(i) All the petitions are hereby allowed.

(ii) The impugned note dated 30.07.2022 passed by the Karnataka Examinations Authority and the CET Ranking issued by the KEA on 30.07.2022 for admission to undergraduate courses in Engineering and Technology are hereby quashed.

(iii) The respondents are directed to redo the CET rankings for admission to undergraduate courses in Engineering and Technology for the academic year 2022-23 strictly in accordance with Rules 3 and 4 of the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutions Rules, 2006 and without reference to proviso to Rule 4 inserted vide Government Order No.ED147TEC2020 dated

01.09.2021 as expeditiously as possible, bearing in mind
the observations made in this order.

**Sd/-
JUDGE**

Srl.