



CNR: KAHC010122162023

NC: 2026:KHC:41197
WP No. 5395 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 5395 OF 2023 (L-RES)

BETWEEN:

EXECUTIVE ENGINEER (ELE),
BESCOM, HSR DIVISION,
17TH CROSS, 24TH MAIN,
HSR LAYOUT, SECTOR-2,
BENGALURU-560102.

WRONGLY MENTIONED BY
THE RESPONDENT
BEFORE THE LABOUR COURT AS

EXECUTIVE ENGINEER (E)
(AND DISCIPLINARY AUTHORITY)
HSR DIVISION
AND DISCIPLINARY AUTHORITY,
BENGALURU-560102.

...PETITIONER

(BY SRI. SANJEEV B.L., ADVOCATE)

AND:

SRI. GURUSWAMY,
S/O. GANGADHARAPPA R.,
AGED ABOUT 35 YEARS,
S/O. SRI. VENKATAPPA,
R/AT RAMENAHALLI,
HD PURA POST,
HOLALKERE, CHITRADURGA,
CHITRADURGA DISTRICT-577557.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.B.L.Sanjeev., counsel for the petitioner, has appeared in person.

Emergent notice was issued to the respondent. A perusal of the office note indicates that the respondent was served and is unrepresented. The respondent, though served, has neither engaged the services of an advocate nor chosen to conduct the case as a party-in-person.

2. The short facts are as follows:

The respondent was appointed as an Assistant Lineman under hearing impaired quota. When it was learnt that he had produced a fake medical certificate, a show cause notice was



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issued to him and after conducting a detailed enquiry the disciplinary authority dismissed him from service.

Aggrieved by the same, he raised a dispute before the Labor Court in I.D.No.296/2021. The Labor Court vide award dated:03.01.2023 allowed the claim statement and set aside the order of dismissal. Under these circumstances, the petitioner is before this Court and filed the writ petition on several grounds as setout in the memorandum of writ petition.

3. Counsel for the petitioner urged several contentions.

Counsel for the petitioner, while advancing his submissions, contended that although the respondent had secured appointment under the hearing-impaired quota, a subsequent medical examination revealed that he did not suffer from the disability claimed by him. In this regard, counsel submitted that the mere absence of the petitioner before the Labor Court would not, by itself, entitle the respondent to the relief claimed. He further urged that the Labor Court had failed



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to properly appreciate the material evidence placed on record and, therefore, prayed that the impugned award be set aside.

4. I have heard the counsel for the petitioner and carefully perused the writ papers and the material available on record.

5. The point that arises for consideration is whether the award passed by the Labor Court warrants interference by this Court.

6. The facts of the case have already been sufficiently noticed and, therefore, do not require reiteration. The controversy lies within a narrow compass and pertains to the respondent's appointment under the hearing-impaired quota and his subsequent discharge from service. It is not in dispute that the respondent was appointed as an Assistant Lineman against a post reserved for candidates with hearing impairment. However, the material placed on record discloses that, upon being subjected to a medical examination, the Chairman of the Medical Board, Victoria Hospital, Bengaluru, certified that the respondent, Mr.Guruswamy.G., had **"normal**



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hearing sensitivity in both ears." This medical opinion clearly demonstrates that the respondent did not suffer from the disability on the basis of which he had obtained the appointment under the reserved category.

In such circumstances, the respondent was not entitled to secure appointment against the hearing-impaired quota by relying upon a disability certificate that was inconsistent with the findings of the Medical Board. The Labor Court failed to accord due weight to this material evidence and consequently erred in granting relief to the respondent. The impugned award, therefore, suffers from a manifest error apparent on the face of the record and is liable to be set aside. Accordingly, the award of the Labor Court is set aside.

7. The Writ of Certiorari is ordered. The award dated 03.01.2023 passed by the II Addl. Labor Court, Bengaluru, in I.D.No.296/2021 vide Annexure-H is quashed. The order of termination dated 24.05.2021 is confirmed.

8. Resultantly, the Writ Petition is ***allowed***.



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Because of the disposal of the Writ Petition, all pending interlocutory applications, if any, are disposed of, and the interim order, if any, granted by this Court stands discharged.

**Sd/-
(JYOTI M)
JUDGE**

MRP
List No.: 1 Sl No.: 37