

(2023) 07 KAR CK 0011

In the Karnataka High Court

Case No : Writ Petition No. 12142 Of 2023 (GM-PDS)

Noor Pasha

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 13-07-2023

Acts Referred:

Citation : (2023) 07 KAR CK 0011

Hon'ble Judges : Krishna S.Dixit, J

Bench : Single Bench

Advocate : Shivaramu H C, Navya Shekar

Final Decision : Allowed

Judgement

Krishna S Dixit, J

1. The subject matter of this Writ Petition is substantially similar to the one in W.P.No.17131/2018 between SMT. PUSHPA v. THE PRINCIPAL SECRETARY OTHERS, disposed off by a Co-ordinate Bench of this Court on 8.2.2019, copy whereof is at Annexure-C; wherein at paragraph nos.9 & 10 some relief has been given to the litigants therein which reads as under:

"9. From close scrutiny of the aforesaid paragraph, it is evident that in W.P.No.22448/2015 which was decided by an order dated 21.09.2016, it has been held that the requirement with regard to having passed SSLC and restriction of age is not applicable when the transfer of authorization is sought on compassionate ground. The aforesaid finding has admittedly attained finality and is binding on the respondents as they have not challenged the same either by filing a review petition or by filing a writ appeal. Therefore this Court finds no reason to take a different view.

10. In the result, the impugned endorsement dated 23.03.2018 is hereby quashed and set aside and a direction is issued to respondent No.1 to take note of the application filed by the petitioner and to consider the same for transfer of

the authorization on compassionate ground as expeditiously as possible, but not later than eight weeks from the date on which a copy of this order is furnished.”

2. Learned counsel for the Petitioner submits that the Division Bench of this Court in W.A.Nos.932-933/1974 between A.V.VINODA & ANOTHER Vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY disposed of on 11.12.1974, has held that the Court should treat like-cases alike and if relief is granted to a litigant, similar relief cannot be denied to other similarly circumstanced litigants as well, there being no derogatory circumstances.

In the above circumstances, this Writ Petition is allowed; impugned endorsement dated 31.05.2023 at Annexure-B is quashed; second Respondent is directed to consider the Petitioner’s application without reference to age & qualification.

Time for compliance is eight weeks, all contentions having kept open.

No costs.