



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH



DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.201012 OF 2025 (S-RES)

BETWEEN:

MAHALAXMI
D/O SIDRAMAPPA
AGE: 31 YEARS,
OCC: HOUSE HOLDER
R/O: MAILARALINGESHWARA NILAYA,
KUMABARAHALLI GATE,
NALAWAR STATION BAPU NAGAR,
KALABURAGI, KARNATAKA.
PIN - 585 218.

...PETITIONER

(BY SRI. SKANDA KUMAR SENIOR COUNSEL FOR
MISS.BHUWANESHWARI, ADVOCATE)

AND:

1. THE KARNATAKA PUBLIC SERVICE COMMISSION
(KPSC),
REPRESENTED BY SECRETARY,
UDYOGA SOUDHA, BENGALURU - 560 001.
2. THE CHIEF EXAMINER,
KARNATAKA PUBLIC SERVICE COMMISSION,
UDYOGA SOUDHA, BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. R. J BHUSARE, ADVOCATE)





THIS WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING KPSC TO ALLOW THE PETITIONER TO APPEAR FOR THE MAIN EXAMINATION AT KALABURAGI INSTEAD OF BENGALURU/DHARWAD, CONSIDERING HER MEDICAL CONDITION AND PASS AN INTERIM ORDER RESTRAINING KPSC FROM COMPELLING THE PETITIONER TO TRAVEL TO THE DESIGNATED CENTERS, ENSURING THAT SHE IS NOT DEPRIVED OF HER RIGHT TO PARTICIPATE IN THE EXAMINATION AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Skanda Kumar, learned Senior counsel who represents Miss Bhuwaneshwari, learned counsel on record for the writ petitioner as well as Sri Krupasagar Patil, who represents Sri R.J.Bhusare, learned counsel for respondent Nos.1 and 2.

2. Seeking a writ of mandamus directing Karnataka Public Service Commission to allow the petitioner to appear for the main examination of Group-A posts which are scheduled to be held from 15.04.2025 to



19.04.2025 at Kalaburagi due to her medical condition, this writ petition is filed.

3. Learned counsel for the petitioner submits that the Karnataka Public Service Commission issued notification in the year 2024 inviting applications for filling up various Group-A and B posts. The petitioner submitted her application. As per the recruitment process, candidates have to first clear the preliminary examination to be eligible for the main examination. The petitioner appeared for the preliminary examination and got eligibility to write the main examination. The petitioner in the meantime became pregnant. Now she is in her advanced stage of pregnancy. The Karnataka Public Service Commission scheduled the main examination for Group-A posts from 15.04.2025 to 19.04.2025. It designated the examination centers at Bengaluru and Dharwad only. However, the petitioner is resident of Kalaburagi. She is taking treatment at Kalaburagi and Doctors advised her not to take travel. The petitioner's health would be at risk, in



case the petitioner takes up travel for writing examination. Thus, having no other go, she has filed the present writ petition seeking to accommodate her to write the examination at Kalaburagi.

4. Learned counsel who is representing the respondents submits that examinations will be conducted with strict security and under C.C. cameras surveillance. The Karnataka Public Service Commission made all arrangements for conducting the examination at the cities of Bengaluru and Dharwad. In case, the petitioner intends to write the examination, she has to attend the allotted center and appear for the examination. For the convenience of a single candidate, Karnataka Public Service Commission cannot take up hectic exercise of conducting the examination at Kalaburagi and therefore the writ petition is liable to be dismissed.

5. Undisputedly, along with the recruitment notification, no schedule is provided giving the dates of the preliminary examination and the main examination. Now



the petitioner is before this Court vindicating her grievance that she being a pregnant woman that too at the advanced stage of pregnancy, cannot take up travel and as per medical advise, her life would be at risk in case she takes up such travel. The version of the respondent is that for a single candidate, examination cannot be conducted at her desired place making all the arrangements which are required.

6. Though employment is not a fundamental right, right to livelihood is guaranteed under the Constitution. On becoming pregnant, except begetting a child, the woman will have no other option. Of-course, termination of pregnancy is permitted under exceptional circumstances.

7. Our country is spending crores of rupees for conducting elections and bye-elections, if required. Due to lack of planning and vision, public money is frequently put to waste. But, here is a case, where State submits before this Court that it cannot spend money to conduct examination for a deserving candidate. The makers of the



Constitution, considering the fact that women require special treatment, have envisaged under Part III of the Constitution certain privileges exclusively for women.

8. By Article 14 of the Constitution of India the State is prevented from denying equality before law or equal protection of laws within the territory of India. Article 15(3) of the Constitution of India empowers the State to make special provisions for women and children. Article 16 of the Constitution of India states that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Article 39 which is in Part IV of the Constitution of India envisages that the State shall direct its policy towards securing its citizens men and women equally, the right to an adequate means of livelihood. These salutary provisions cannot be over looked. Denial of opportunity to the petitioner certainly amount to violation of her fundamental rights guaranteed under Articles 14, 15 and 16 of the Constitution of India.



9. The petitioner is not requesting the Court to permit her to write examination at a place where there are no public offices, no electricity supply or where CC cameras cannot be arranged. Where there is necessity to arrange CC cameras, they are being arranged immediately to protect law and order and situations alike. Therefore, this Court is of the view that the State cannot deny taking responsibility to conduct examination to the petitioner at the city where she stays in the light of the justifiable grounds she projected.

10. In normal circumstances, candidates are required to attend the place where the examinations are scheduled to be held. However, in the case on hand, the petitioner is not in a position to travel either to Dharwad or to Bengaluru all the way from Kalaburagi. Therefore, this Court is of the view that a direction as sought for is required to be issued to the Karnataka Public Service Commission to conduct the examination for the petitioner



at Kalaburagi. This writ petition is therefore disposed off with the following :

ORDER

A writ of mandamus is issued directing respondents to conduct the examination to the petitioner anywhere at Kalaburagi as per their choice and convenience.

The centre of examination at Kalaburagi be intimated to the petitioner by 09.04.2025.

**Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE**

SN
List No.: 1 SI No.: 1
CT:NI