CASE LAW UPDATES

Case Brief: State of Karnataka v. Santhosh Kumar C.

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Case Details

- **Case Name:** *State of Karnataka & Ors. v. Santhosh Kumar C.*
- **Citation:** 2026 INSC 276 | 2026 SCC OnLine SC 458
- **Court:** Supreme Court of India
- **Decided On:** March 23, 2026
- **Bench:** Hon'ble Justice Vikram Nath and Hon'ble Justice Sandeep Mehta
- **Relevant Law:** Articles 14 and 16 of the Constitution of India; **Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examinations) Rules, 1997**.

The **Supreme Court of India** re-established a fundamental principle of service jurisprudence, ruling that **inclusion in a recruitment select list does not confer an indefeasible or vested right to appointment**.

The Court clarified that when a selected *candidate fails to complete pre-appointment formalities or join the service, a candidate ranked lower on the merit list cannot claim an automatic right to step into that vacancy* ***unless the governing statutory recruitment rules explicitly provide a mechanism for such substitution or operation of a waiting list.***

Facts of the Case

1. **The Selection Process:** The Karnataka Public Service Commission (KPSC) conducted a combined competitive examination for various state civil services posts based on preferences indicated by the candidates.
2. **Allocation of Posts:** The respondent, Santhosh Kumar C., an ex-serviceman, participated in the process, was successfully selected for a specific post based on his merit rank, and was subsequently appointed to it.

3. **The Unfilled Vacancy:** Another candidate higher up in the merit list was selected for a different, more preferred cadre/post within the same recruitment cycle.

However, *this candidate failed to undergo the mandatory medical examination, complete police verification, or report for duty, leaving that specific post unfilled.*

1. **The Demand for Substitution:** Realising a vacancy existed, Santhosh Kumar C. approached the Department of Personnel and Administrative Reforms (DPAR), asserting that as the next eligible candidate on the select list, he should be adjusted/promoted into that unfilled slot.

DPAR summarily rejected his request via a formal communication.

1. **Litigious History:** The respondent challenged DPAR's rejection before the Karnataka State Administrative Tribunal (KSAT). The Tribunal dismissed his application, holding that the*1997 Rules did not allow for a reserve or waiting list.*

On appeal, the High Court of Karnataka reversed the Tribunal's order and directed the*State to consider the respondent for the post. Aggrieved, the State of Karnataka moved the Supreme Court.*

Core Issues

1. Whether the ***mere existence of a vacancy arising out of a selected candidate's non-joining or non-completion of pre-appointment formalities creates an enforceable legal right*** for a lower-ranked candidate to claim that appointment.
2. Whether, in the ***absence of explicit statutory provisions in the recruitment rules providing for a waiting, reserve, or additional list***, a select list can be operated dynamically downward to fill left-over vacancies.

Arguments by Both Sides

Arguments by the Appellants (State of Karnataka & KPSC):

- **Rule-Bound Operation:** The Karnataka Civil Services (General Recruitment) Rules, 1977, deliberately do not contemplate the creation or operation of a reserve list, waiting list, or additional list for this selection. The select list is strictly limited to the notified vacancies.

- **Preference System Integrity:** Civil service appointments are finalized based on structured choice matrices. Shifting candidates downward mid-way to replace non-joining selectees would destabilize the entire preference-based allocation framework across various services.
- **Fresh Recruitment:** Any vacancy arising due to a selected candidate *abandoning the post automatically lapses into the general pool and must be treated as a fresh vacancy to be advertised in the next recruitment cycle.*

Arguments by the Respondent (Santhosh Kumar C.):

- **Public Efficiency:** Leaving a sanctioned, notified post vacant *when an eligible, qualified candidate from the exact same selection process is available is arbitrary and goes against public interest.*
- **Distinction in Status:** The selected *candidate never completed the mandatory medical check-ups or officially joined the post.*

Therefore, the vacancy was never legally "consumed," and the selection list should remain active until all notified vacancies are practically filled.

Analysis by the Court

- **Limits of the Select List:** The Supreme Court reiterated the constitutional benchmark set in ***Shankarsan Dash v. Union of India***, affirming that *standard selection processes merely establish eligibility for consideration. They do not grant a fundamental, vested right to command an appointment order.*
- **Statutory Silence:** The Court meticulously examined the contours of Rules 4 and 11 of the 1997 Rules. *It observed that the judiciary cannot read an unwritten "waiting list" clause into a statutory framework.*

If the legislature or executive chose not to provide a reserve list mechanism, the courts cannot create one through judicial activism.

- **Disruption of Merit Matrix:** The Bench observed that allowing a *lower-ranked candidate to jump cadres post facto simply because a vacancy remained open would cause administrative chaos and distort preference-based equity across multiple departments.*

The primary issue is not the physical existence of a vacancy, but the explicit presence of a legal rule to fill it from the old pool.

Judgment & Ratio Decidendi

Judgment: The Supreme Court allowed the appeal by the State of Karnataka, setting aside the judgment of the High Court and restoring the dismissal order passed by the Karnataka State Administrative Tribunal.

Ratio Decidendi:

The inclusion of a ***candidate's name in a recruitment select list does not generate an indefeasible right to be appointed to a civil post.***

In the ***absence of an express statutory rule enabling the preparation or operation of a waiting/reserve list, an unfilled vacancy resulting from the non-joining or non-completion of formalities by a selected candidate cannot be filled by traveling further downward along the same select list.***

Such unfilled posts must be treated as fresh vacancies for subsequent recruitment cycles.