



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 3570 OF 2025 (GM-RES)

BETWEEN:

SRI SURI PAYALA
S/O LATE PAYALA KRISHNAM NAIDU
AGED ABOUT 49 YEARS
53163, PRESTIGE FALCON CITY
KONANAKUNTE CROSS
KANAKAPURA ROAD
BANGALORE 560 062
PH No.7899673349
AADHAR: 811820287385
PAN: AQIPB9196
EMAIL: SURI.PAYALA@GMAIL.COM

...PETITIONER

(BY SRI. NAMAN VENKDARI M, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU 560 001
2. HON'BLE SPEAKER LEGISLATIVE ASSEMBLY
REPRESENTED BY HIS SECRETARY
1ST FLOOR, VIDHANA SOUDHA
BANGALORE 560001





3. HON'BLE CHAIRMAN
LEGISLATIVE COUNCIL,
REPRESENTED BY HIS SECRETARY
1ST FLOOR,
VIDHANA SOUDHA
BANGALORE 560001
4. ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT (DPAR)
3RD FLOOR VIDHANA SOUDHA
BENGALURU 560 001
5. ELECTION COMMISSION OF INDIA
REPRESENTED BY ITS
CHIEF ELECTION COMMISSIONER
NIRVACHAN SADAN
ASHOKA ROAD,
NEW DELHI 110001
6. STATE ELECTION COMMISSION,
KARNATAKA
REPRESENTED BY ITS UNDER
SECRETARY, K.S.C.M.F BUILDING
1ST FLOOR, CUNNINGHAM ROAD,
BANGALORE 5600052
7. HAMPANAGOUDA BADARLI
BADARLI COMPOUND,
WARD NO. 24 KOTE,
SINDHANUR TALUK,
RAICHUR DISTRICT 584128
8. APPAJI C S NADAGOUDA
BALADINNE, RAKKASAGI POST,
MUDDEBIHAL TALUK,
VIJAYAPURA DISTRICT 586129
9. BHARAMGOUDA ALAGOUDA KAGE
SIDDESHWAR NAGAR,



STATION ROAD,
UGARKHURD, KAGEWAD TALUK
BELAGAVI DISTRICT 591316

10. HULLAPA YAMANAPPA METI
YAMANAPPA, THIMMAPUR,
BAGALKOT TALUK AND DISTRICT 587207
11. S R SRINIVAS (VASU)
SERVEGARANAPALYA,
KASABA HOBLI, GUBBI TALUK
TUMAKURU DISTRICT 572216
12. BASAVARAJ NEELAPPA SHIVANNANAVAR
BANNIHALLI POST, KAGINELE,
BYADGI TALUK,
HAVERI DISTRICT 581106
13. B G GOVINDAPPA
BELAGURU, HOSADURGA TALUK,
CHITRADURGA DISTRICT 577597
14. H C BALAKRISHNA
6, HULIKATTE, CHAKRABHAVI POST,
MADABAL HOBLC, MAGADI TALUK,
RAMANAGARA DISTRICT 562120
15. GURUPADAGOUDA SANGANAGOUDA
PATIL GOUDRA ONI,
BASAVESHWAR NAGAR,
RON, GAJENDRAGAD TALUK,
GADAG DISTRICT 582114
16. N A HARIS
NALAPAD HOUSE, 23,
MAGRATH ROAD, 1ST CROSS,
ASHOKNAGAR, BANGALORE 560025
17. KOUJALAGI MAHANTESH SHIVANAND
598/5, KOUJALAGI CHAWL,



BAZAR ROAD, BAILHONGAL
BELAGAVI DISTRICT 591102

18. C PUTTARANGASHETTY
155, UPPINAMOLE,
YELLANDUR POST AND TALUK,
CHAMARAJANAGARA 571441
19. JAGADISH THIMMANAGOUDA
PATIL (JT PATIL)
206, YADAHALLI VILLAGE,
BILAGI TALUK,
BAGALKOTE DISTRICT 587117
20. RAJA VENUGOPAL NAIK
VASANTHA MAHAL MAIN ROAD
SHORAPUR, YADGIR 585244
21. BK SANGAMESHWARA
PARVATHI KRUPA, 75,
CHANNAGIRI ROAD,
EASTERN HOUSE (OS M ROAD),
OLD TOWN BHADRAVATHI 577301
22. K M SHIVALINGE GOWDA
MANASA NILAYA,
MARUTHI NAGARA,
ARSIKERE 573103,
HASSAN DISTRICT
23. ABBAYYA PRASAD
79 DHANALAXMI NILAY
MADHURA PARK
VIJAYANAGAR
HUBBALLI 580032
24. GOPALA KRISHNA BELURU
BELURU VILLAGE, SAGARA TALUK,
SHIVAMOGA DISTRICT 577401



25. S N NARAYANA SWAMY K M
2576, SANMARGA (4701),
VIVEKANANDA NAGAR,
BANGARPET,
KOLAR DISTRICT 563114
26. T RAGHUMURHTY
109 , KADABANAKATTE VILLAGE
CHITRADURGA TALUK
CHITRADURGA DISTRICT 577517
27. A B RAMESH BANDISIDDEGOWDA
ARAKERE VILLAGE,
AREKERE HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT 571415
28. B SHIVANNA
MIG (A) 291, SURYA NAGAR,
1ST STAGE, IGGALURU,
ANEKAL TALUK,
BENGALURU DISTRICT 560099
29. S N SUBBAREDDY (CHINNAKAYALAPALLI)
CHINNAKAYALAPALLI VILLAGE,
GULURU BAGEPALLI TALUK,
CHIKKABALLAPUR DISTRICT 561207
30. VINAY KULKARNI
104, BARAKOTRI, SHIVAGIRI,
K.U.D.ROAD,
DHARWAD DISTRICT 580007
31. ANIL CHIKKAMADU
23, ANUGRAHA NILAYA
NEAR BSNL OFFICE,
REVENUE BADAVANE,
SRI RAMPURA, SRI RAMPURA POST,
MYSURU CITY,
MYSORE DISTRICT 570008



32. BASANAGOUDA DADDAL
SRI ANNAPURNESHWARI NILAYA,
NO.1-3-284(N), RR COLONY,
RAICHUR DISTRICT 584123
33. SMT KANEEZ FATIMA
1-864/5, MSK MILL ROAD,
STATION BAZAAR,
KALABURAGI 585102
34. KASHAPPANAVARA VIJAYANAND
SHIVASHANKRAPPA
4521, ILKAL POST,
ILKAL TALUK
BAGALKOTE DISTRICT 587125
35. TD RAJEGOWDA
BASAPUR, KADAVANTHE POST,
CHIKMAGALURU
TALUK AND DISTRICT 577136
36. SMT ROOPAKALA M
115, 1ST A CROSS,
3RD MAIN ROAD,
DOMLURU 2ND STATE,
BANGALORE 560071
37. SATHISH KRISHNA SAIL
MOHAN NEAR BSNL
NATIONAL HIGHWAY 66
SADASHIVGAD,
CHITTAKULA, KARWAR,
UTTARA KANNADA DISTRICT 581352
38. SHARATH KUMAR BACHEGOUDA
(SHARATH BACHEGOWDA)
114, KRISHNAPPA LAYOUT,
LALBAGH ROAD,
BANGALORE 560027



39. JN GANESH
WARD NO 17, HARIKRUPA COLONY
N.N.J LAYOUT, KAMPLI ROAD
KURUGODU,
VIJAYANAGARA DISTRICT 583116
40. BASANAGOUDA TURAVINAL
TURAVIHALA,
SINDHANUR TALUK
RAICHUR DISTRICT 584132
41. T B JAYACHANDRA
76, BALENAHALLI GATE,
BALENAHALLI, KALLAMBELLA,
SIRA TALUK,
TUMAKURU DISTRICT 572125
42. A S PONNANNA
KALLUGUDI ESTATE,
BELLUR VILLAGE, HUDKERI,
PONNAMPET TALUK,
KODAGU DISTRICT 571216
43. AJAY SINGH
1, 10TH MAIN ROAD,
9TH CROSS, SADASHIVA NAGAR,
RMV EXTENSION,
BANGALORE 560080
44. R V DESHPANDE
372, NILAYA, OPPOSITE RT NAGAR
POLICE STATION, RT NAGAR,
BANGALORE 560032
45. B R PATIL
49, AT/POST SARASAMBA,
ALAND TALUK,
KALABURGI DISTRICT 585302



46. NAZIR AHMED
391, 2ND CROSS, 2ND MAIN,
2ND STAGE, RMV EXTENSION
BANGALORE 560094.
47. K GOVINDA RAJU
206, 2ND MAIN ROAD 2ND STAGE,
DOMMALURU
BANGALORE 560071
48. PRAKASH BABANNA HUKKERI
YAKSAMBA
CHIKKODI TALUK,
BELGAUM DISTRICT 591244

...RESPONDENTS

(BY SRI.K. SHASHI KIRAN SHETTY, ADVOCATE GENERAL A/W
SMT. NILOUFER AKBAR, AGA ,
M/S. ANISHKA VAISHNAV, ADVOCATE FOR R1
V/O DATED 17.02.2026 ALL OTHER RESPONDENTS ARE
DELETED FROM THE ARRAY OF PARTIES)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
QUO-WARRANTO OR A WRIT OF CERTIORARI OR ANY
OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION,
QUASHING THE APPOINTMENTS OF THE MEMBERS OF THE
LEGISLATIVE ASSEMBLY (MLAS) AND MEMBERS OF THE
LEGISLATIVE COUNCIL (MLCS) OF KARNATAKA
[RESPONDENT NO. 7 TO RESPONDENT NO. 48] TO THE
VARIOUS BOARDS, CORPORATIONS, AND OTHER POSTS
THAT CONFER CABINET RANK AND ASSOCIATED
PECUNIARY BENEFITS, AS DETAILED IN GOVERNMENT
NOTIFICATION NO. DPAR 12 SK 2024 DATED 26 JANUARY
2024, DPAR 87 SHSN 2023 DATED 03.07.2023, DPAR 151 SHSN
2023 (PART-1) DATED 06.01.2024, DPAR 151 SHSN 2023
(PART-1) DATED 06.01.2024, DPAR 115 SHSN 2023 DATED
18.08.2023, DPAR 44 SHSN 2023 DATED 01.06.2023, DPAR 46
SHSN 2023 DATED 31.07.2023, DPAR 117 SHSN 2023 DATED
19.08.2023, DPAR 151 SHSN 2023 (PART-1) DATED 06.01.2024



SEEN IN ANNEXURES-B, ANNEXURE-C, ANNEXURE-D, ANNEXURE-E, ANNEXURE-F, ANNEXURE-G, ANNEXURE-H, ANNEXURE-I AND ANNEXURE-J RESPECTIVELY.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition as a public interest litigation, *inter alia*, praying as under:

"i. Issue a writ of Quo-Warranto or a writ of Certiorari or any other appropriate writ, order, or direction, quashing the appointments of the Members of the Legislative Assembly (MLAs) and Members of the Legislative Council (MLCs) of Karnataka [Respondent No. 7 to Respondent No. 48] to the various boards, corporations, and other posts that confer cabinet rank and associated pecuniary benefits, as detailed in Government Notification No. DPAR 12 SK 2024 dated 26 January 2024, DPAR 87 SHSN 2023 dated 03.07.2023, DPAR 151 SHSN 2023 (Part-1) dated 06.01.2024, DPAR 151 SHSN 2023 (Part-1) dated 06.01.2024, DPAR 115 SHSN 2023 dated 18.08.2023, DPAR 44 SHSN 2023 dated 01.06.2023, DPAR 46 SHSN 2023 dated 31.07.2023, DPAR 117 SHSN 2023 dated 19.08.2023, DPAR 151 SHSN 2023 (Part-1) dated 06.01.2024 seen in Annexures-B, ANNEXURE-C, ANNEXURE-D, ANNEXURE-E, ANNEXURE-F, ANNEXURE-G, ANNEXURE-H, ANNEXURE-I and ANNEXURE-J respectively.

ii. Declare the appointments to be illegal and unconstitutional on the grounds of violation of Article



HC-KAR

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164(1A) of the Constitution of India and on the basis that they constitute an office of profit as per the criteria laid down by the constitutional bench of the Hon'ble Supreme Court in *Guru Gobinda Basu v. Sankari Prasad Ghosal* (Supra).

iii. Direct the Respondents to immediately remove the appointees from their respective positions and withdraw all pecuniary benefits and facilities accorded to them in connection with these appointments.

iv. Cancel the primary membership of the appointed MLAs and MLCs from the Karnataka Legislature on the grounds that their appointments and associated pecuniary benefits violate the principles of natural justice and the office of profit rule, thereby disqualifying them from holding legislative positions.

v. Grant any other relief(s) that this Hon'ble Court deems fit and proper in the interest of justice and equity, considering the facts and circumstances of the case."

2. It is the petitioner's case that a large number of members elected to the Legislative Assembly in the State of Karnataka have been appointed to Boards, Corporations, and other posts with a rank equivalent to that of a Minister and also the associated pecuniary benefits. The petitioner contends that the same violates the second proviso to Article 164(1A) of the Constitution of India, which restricts the total number of Ministers in any State to 15% of the total number of members of the Legislative Assembly of the State, and require that the total number be brought in conformity with the provisions of the said clause within the stipulated period.



3. The learned counsel for the petitioner submits that in the present case, there are 224 members in the Karnataka Legislative Assembly and further 75 members in the Legislative Council. He submits that, accordingly, the maximum number of Ministers permitted under Article 164(1A) of the Constitution of India is 33 (15% of 224). Notwithstanding the said limit, approximately 159 persons are drawing remuneration equivalent to that of the Ministers, along with the other attendant benefits, by virtue of their being appointed in various Corporations, Boards, etc.

4. The learned Advocate General appearing for the respondent State countered the aforesaid submissions. He submits that although the persons who are appointed to Boards and Corporations may be drawing a salary equivalent to that of the Ministers, they are not Ministers for the purposes of Article 164 of the Constitution of India. He also referred to the decisions of the Coordinate Benches of this Court in ***Dr. K. V. Vijayakumar v. State of Karnataka***¹ and ***Umapathi S. v. State of Karnataka***² in support of the said contention.

¹ Writ Petition No.12628/2020, DD 27.11.2020

² 2023 SCC Online KAR 59



5. He also submitted that the present petition is not in the public interest, but to serve private interests. He pointed out that the petitioner is an aspirant for certain posts on which members of the Legislative Assembly or Legislative Council may be appointed. He has also drawn the attention of this Court to paragraph 3 of the Statement of Objections, which reads as follows:

"3. It is submitted that, the present case is not a public interest litigation as the same is camouflaged to foster the personal disputes and gains of the Petitioner. The Petitioner herein, is an Engineer - in - Chief level officer employed by the Karnataka State Pollution Board. The Petitioner herein, has filed multiple cases against the State of Karnataka which are as follows:

- a) WP .No.20052 of 2024 wherein the Petitioner had claimed for the position of CEO of E-governance amongst other consequential reliefs;
- b) WP.No.30282 of 2024 wherein the Petitioner claimed for the position of in-charge Chairman Member Secretary of Karnataka State Pollution Control Board along with other consequential reliefs and;
- c) WP No.1458 of 2025 wherein the Petitioner was seeking to challenge the appointment of Member Secretary of Karnataka State Pollution Control Board along with other consequential reliefs."

6. Insofar as the question of whether the number of persons appointed as Ministers falls foul of Article 164(1A) of the Constitution of India is concerned, the same is covered by the



earlier decision of this Court in **Dr K.B. Vijayakumar** (*supra*). In that case, the challenge was to the appointment of Chairpersons to various Boards and Corporations, who had been given benefits which are available to Hon'ble Ministers. In this regard, the Court had observed as under:

"6. As far as the Chairpersons of Boards and Corporations are concerned, there is no material placed on record to show that the said posts have trappings of the post of Hon'ble Ministers. Merely because salary and other perquisites which are admissible to the post of Hon'ble Ministers are provided to the Chairpersons, they cannot become Hon'ble Ministers. The nature of the powers which they exercise and their duties are totally different. Therefore, while testing the compliance of Clause (1A) of Article 164 of the Constitution, only those Hon'ble Ministers will have to be taken into consideration who have been appointed under Article 164 of the Constitution. Admittedly, 28 Hon'ble Ministers have been appointed. Thus, the percentage does not exceed 15%."

7. In **Umapathy S.** (*supra*), this Court had considered the challenge to the appointment of persons as Political Secretaries, Chief Advisor, and Media Advisors. In this context, the Court had held as under:

"3. We have heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the official respondents. We decline indulgence in the matter broadly agreeing with the submission made by the learned AGA. Article 164 provides for the appointment of Chief Minister by the Governor and of other Ministers on the advice of the



Chief Minister. Clause (1A) of this Article which has been introduced by 91st Amendment Act, 2003 w.e.f. 1.1.2004 prescribes the ceiling limit as to the number of Ministers in a State. The text of the said clause is as under:

"The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent of the total number of members of the Legislative Assembly of that State."

4. The above text is as clear as gangetic waters. It is nobody's case that the private respondents have been appointed as Ministers. If the private respondents were appointed as Ministers, there could have been scope for the invocation of subject provision of the Article. Merely because a Cabinet Status is conferred on a particular appointee, that per se does not make him a Minister within the meaning of Article 164. These respondents are appointed to assist the Chief Minister/Ministers and they are not functioning as the Ministers in the literal sense. Therefore the provision pressed into service by the learned counsel for the petitioners is not attracted."

8. The learned Advocate General has also referred to the Government Order dated 22.09.2017, which stipulates that members who have "been appointed as Chairman of various Corporation / Board / Authority / Company / Organization / Committee / Commission by the Government of Karnataka are to receive their salary and other allowances/facilities only from the respective Corporation / Board / Authority / Company / Organization / Committee.... "



9. The petitioner also seeks to raise other challenges, including as to the legal framework for payment of salaries and remuneration. We do not consider it apposite to entertain the challenge in this petition.

10. We also find merit in the contention that the present petition is not entirely in public interest, but is also occasioned by the petitioner's aspirations for certain posts. It is settled that the petitioner, who seeks to file a public interest litigation, is bound to disclose his possible interest in the litigation. In this case, the petitioner has failed to make the full disclosure as required.

11. The petition is, accordingly, dismissed.

12. All pending applications are also disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**