

**KARNATAKA STATE CIVIL SERVICES CLASS III POSTS
RECRUITMENT (VALIDATION) ACT, 1965**

17 of 1965

[]

CONTENTS

1. Short title and commencement
2. Short title
3. Court not to question validity of recruitment made on the ground of defect in the constitutions, etc.
4. Saving
5. Repeal

**KARNATAKA STATE CIVIL SERVICES CLASS III POSTS
RECRUITMENT (VALIDATION) ACT, 1965**

17 of 1965

[]

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 17 OF 1965 Karnataka Gazette, Extraordinary, dated 14-10-1965 Since the year 1961, recruitment to certain Class III posts in the Karnataka State Civil Services is being done by the State Level Recruitment Committees and Divisional Level Recruitment Committees in accordance with the Karnataka State Civil Services Class in Posts Recruitment Committees (Constitution and Functions) Rules, 1962 which have come into force with effect from 23rd October, 1961. Some of the recruitments made by State Level Recruitment Committees and a Divisional Level Recruitment Committee have been held illegal in certain judicial proceedings on one or other of the following grounds, namely. (1) constitution of committees is defective; (2) selections have not been made by the committees in compliance with the rules; (3) rules made by the Governor for constitution of these committees cannot have retrospective effect. As a large number of persons have been appointed to the State Government services since 1961 under these rules, and the discharge of persons selected and the taking of action for making fresh recruitment to these posts whose number

runs into thousands will entail huge expenditure besides causing difficulty in the administration of the Departments, it became necessary to validate these recruitments by undertaking legislation. As the matter could not brook delay and the Houses of Legislature were not in session, Karnataka Ordinance No. 2 of 1965 was promulgated. This Bill is intended to repeal and replace the Ordinance.

1. Short title and commencement :-

(1) This Act may be called the Karnataka State Civil Services Class III Posts Recruitment (Validation) Act, 1965.

(2) It shall be deemed to have come into force on the 24th day of September, 1965.

2. . :-

Validation of the Constitution of and selections by the State Level Recruitment Committees and the Divisional Level Recruitment Committees.

(1) Notwithstanding anything contained in the Karnataka State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, or any other rules made under Article 309 of the Constitution or any law or in any judgment, decree or order of any Court.

(a) the body of persons who functioned as a State Level (Ministerial Posts) Recruitment Committee, or a State Level (Non-Ministerial Posts) Recruitment Committee, or a Divisional Level Recruitment Committee, shall be deemed for all purposes to have been the Recruitment Committee duly constituted in accordance with law;

(b) the persons who sat or otherwise took part in the proceedings of any of the said Committees shall be deemed to have been entitled so to do as members of such Committee;

(c) every person who functioned as Chairman of any of the said Committees shall be deemed to have been the duly appointed Chairman of such Committee;

(d) every person who functioned as the Secretary of any such Committee shall be deemed to have validly functioned on behalf of the Committee in calling for applications of candidates, making communications to the candidates and others on behalf of the Committee, authenticating or notifying the names of candidates

selected by the Committee and in respect of all other matters relating to the functions of such Committee;

(e) the selection made by any of the said Committees to any class or category of posts and the lists of names of candidates so selected and authenticated or notified by the Secretary of such Committee shall be and shall always be deemed to have been validly made, authenticated or notified, as the case may be;

(f) the appointments made of the candidates selected by any of the said Committees to any class or category of posts whether before or after the commencement of this Act, shall be and shall always be deemed to have been validly made.

(2) Notwithstanding any judgment, decree or order of any Court, the Karnataka State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, shall be deemed to have validly come into force on the 23rd October, 1961, and accordingly anything done or any action taken (including selections and appointments of candidates made) on or after the said date under the said rules shall, subject to the provisions of sub-section (1), be and shall always be deemed to have been validly done or taken in accordance with law.

(3) Any order of a Court declaring the appointment of any persons made in pursuance of selection to any class or category of posts by any Committee referred to in sub-section (1) to be invalid on account of any defect in the constitution of such Committee or on the ground that any rule relating to the selection of the candidates was not complied with, or on the ground that the Karnataka State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect, shall be deemed to be and always to have been of no legal effect whatsoever and the selections and appointments made are hereby validated.

3. Court not to question validity of recruitment made on the ground of defect in the constitutions, etc. :-

No Court shall question any selection made or any resolution, proceeding or thing adopted, taken or done by any committee referred to in sub-section (1) of Section 2, or any appointment made by any authority in pursuance of such selection, merely on the ground that the said committees had not been duly constituted or on the ground that any rule relating to the selection of the

candidates was not complied with or on the ground that the Karnataka State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962 had no retrospective effect.

4. Saving :-

Notwithstanding anything contained in Section 2, no person appointed to any post shall be entitled to the emoluments of such post during any period in which he did not perform the functions assigned to the person holding such post.

5. Repeal :-

The Karnataka State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965 (Karnataka Ordinance No. 2 of 1965), is hereby repealed.