



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.108897 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
R/BY THE PRL. SECRETARY TO GOVT.,
DEPT. OF HEALTH AND FAMILY WELFARE
AND AYUSH SERVICES,
VIKASA SOUDHA,
BENGALURU-560001.
2. THE COMMISSIONER,
DEPT. OF AYUSH,
DHANAVANTHRI ROAD,
ANANDA RAO CIRCLE,
BENGALURU-560009.

...PETITIONERS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

SMT. DR. PATIL SUJATA SHIVANAGOWDA
@ SUJATA S. PATIL,
D/O SHIVANAGOWDA,
AGE. 57 YEARS,
PRESENTLY WORKING AT
DIRECTORATE OF AYUSH,
DHANVANTRI ROAD,
BANGALURU-09.

RESIDENT OF NO.1-11 52/12/1,
MARUTHI NAGAR,
NEAR VIDYA BHARATHI SCHOOL,
RAICHUR DIST:584102.

...RESPONDENT

(BY SRI. DR. S.V. GIRIKUMAR, ADVOCATE)



VISHAL
NINGAPPA
PATTIHAL
Digitally signed by
VISHAL NINGAPPA
PATTIHAL
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 18.02.2025 PASSED BY THE HON'BLE KARNATAKA STATED ADMINISTRATIVE TRIBUNAL, BELAGAVI BENCH IN APPLICATION NO.11007/2024 PRODUCED VIDE ANNEXURE-A & ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The State authorities in the Health and Family Welfare and Ayush Services are before this Court under Article 226 of the Constitution of India questioning the order dated 18.02.2025 in Application No.11007/2024 passed by the Karnataka State Administrative Tribunal at Belagavi (for short, 'the Tribunal') wherein the respondent's application questioning the Government Notification dated 14.06.2024 (Annexure-A34) posting the respondent as Senior Medical Officer/Physician to the Koppal District Ayurved Hospital is



quashed with a further direction to the petitioners to consider the respondent's eligibility in holding the post of District Ayush Officer, by considering the seniority list as well as earlier orders already passed in posting the applicant as District Ayush Officer and the order passed on 24.04.2024 in W.P.No.102509/2024 and to pass appropriate orders to post the respondent as District Ayush Officer.

2. The respondent who was working as Senior Medical Officer/Physician was posted as District Ayush Officer, Bellary. Thereafter, under Notification dated 28.08.2023, one Dr.B.S.Sarala Devi was posted as District Ayush Officer, Bellary. Aggrieved by the posting of Dr.B.S.Sarala Devi as District Ayush Officer in place of the respondent, the respondent approached the Tribunal in Application No.10851/2023 questioning the order of posting dated 28.08.2023 and the Tribunal by order dated 19.03.2024 rejected the prayer of the respondent.



Aggrieved by the same, the respondent approached this Court in W.P.No.102509/2024 which came to be disposed of by order dated 24.04.2024 recording the submission of the learned Government Advocate that the petitioner therein (respondent herein) would be provided posting immediately after the General Elections in the year 2024. Accordingly, under impugned Notification dated 14.06.2024, the respondent was given posting as Senior Medical Officer/Surgeon to the Koppal District Ayurved Hospital. Questioning the said Notification and with a prayer to direct the petitioners to give suitable post as District level Officer in the Department, as the applicant is qualified, the respondent approached the Tribunal. The Tribunal under impugned order quashed the impugned Notification dated 14.06.2024 which provided posting to the respondent as Senior Medical Officer and directed to consider the respondent's request for posting her as District Ayush Officer. Aggrieved by the said direction of the Tribunal, the State Authorities are before this Court in this writ petition.



3. Heard learned Principal Government Advocate Sri.G.K.Hiregoudar for petitioners and learned counsel Dr.S.V.Girikumar for respondent. Perused the entire writ petition papers.

4. Learned Principal Government Advocate Sri.G.K.Hiregoudar would submit that the Tribunal committed an error in quashing the Notification dated 14.06.2024 posting the respondent as Senior Medical Officer/Physician to the District Aurved Hospital, Koppal and in directing the petitioners to consider the case of the respondent to post her as District Ayush Officer. Learned Principal Government Advocate invites attention of this Court to the Karnataka Ayurveda Unani Siddha Homeopathy Nature Cure & Yoga (AYUSH) (Non-teaching) (Recruitment) Rules, 2012 (for short, '2012 Rules') and submits that the post of District Ayush Officer is to be filled up by posting of Physician Grade-I (Ayurveda, Unani, Homeopathy/Nature Cure & Yoga). Learned Principal Government Advocate



would also invite attention of this Court to the Government order dated 17.01.2024 which lays down certain criteria to fill up the post of District Ayush Officer in the Ayush Department. Learned Principal Government Advocate would further submit that mere fulfilling the criteria would not entitle a Senior Medical Officer or Physician Grade-I to seek posting as District Ayush Officer. However, he submits that it is for the State to fill up the post of District Ayush Officer whoever fulfils the criteria stated above by following the seniority of Senior Medical Officer/Physicians.

5. Learned Principal Government Advocate would submit that in the instant case, though the respondent fulfils the criteria, as a matter of right, she cannot seek posting as District Ayush Officer. Further, learned Principal Government Advocate would submit that the respondent has failed to point out posting of any of her juniors as District Ayush Officers. He also submitted that though the respondent worked as District Ayush Officer earlier, the



same would not give any right to the respondent to seek posting as District Ayush Officer. Learned Principal Government Advocate inviting attention of this Court to the order dated 24.04.2024 in W.P.No.102509/2024 submits that this Court on the submission made by the learned Government Advocate, disposed of the writ petition with a direction to the respondents therein to give a suitable posting to the respondent herein. There is no direction to give posting to the respondent as District Ayush Officer. Thus, learned Principal Government Advocate would submit that the Tribunal committed grave error in directing to post the respondent as District Ayush Officer when the respondent has no right to seek a particular posting. Thus, learned Principal Government Advocate would pray for allowing the writ petition.

6. Learned counsel Dr.S.V.Girikumar for respondent supports the order passed by the Tribunal and submits that, since the respondent was posted and was working as



District Ayush Officer earlier, the respondent ought to be given posting as District Ayush Officer and she cannot be posted as Senior Medical Officer/Physician to the District Ayurved Hospital. Further, learned counsel would submit that the respondent is senior most Senior Medical Officer/Physician and she fulfils all the criteria stated in Government order dated 17.01.2024. Further, learned counsel would submit that earlier the respondent was before this Court and this Court directed the petitioners herein to provide suitable posting which would mean to provide posting as District Ayush Officer. Thus, learned counsel Dr.S.V.Girikumar would pray for dismissal of the writ petition.

7. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the questions that would arise for our consideration are as to,



- i) Whether the respondent as a matter of right could seek posting as District Ayush Officer?
- ii) Whether the impugned order passed by the Tribunal needs interference at the hands of this Court?

8. Answer to the above points would be in the Negative and Affirmative respectively, for the following reasons:

The respondent is working as Senior Medical Officer/Physician at Koppal Ayurved Hospital in the Department of Ayush. The name of the respondent appears at Sl.No.25 in the seniority list of the cadre of Senior Medical Officer (Ayurveda) published under the Notification dated 19.05.2022 (Annexure-A23).

9. The post of District Ayush Officer is to be filled up by posting of Physician Grade-I (Ayurveda, Unani, Homeopathy/Nature Cure & Yoga) in terms of 2012 Rules.



The post of Physician Grade-I (Ayurveda) is to be filled up by promotion from the cadre of Physician Grade-II (Ayurveda). The post of Physician Grade-II (Ayurveda) is to be filled up by direct recruitment.

10. The Government order dated 17.01.2014 prescribes certain criteria to fill up the post of District Ayush Officers. The criteria prescribed reads as follows:

“ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆಯುಷ್ ಇಲಾಖೆಯಲ್ಲಿನ ಜಿಲ್ಲಾ ಆಯುಷ್ ಅಧಿಕಾರಿ ವೃಂದದ ಹುದ್ದೆಗಳನ್ನು ಭರ್ತಿ ಮಾಡಲು ರ1 ಕೆಳಕಂಡ ಮಾನದಂಡಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಅನುಸರಿಸತಕ್ಕದ್ದು.

1. ಆಯುಷ್ ವೈದ್ಯರಾಗಿ ನಿಯತಕಾಲಿಕವಾಗಿ (Regulat) ನೇಮಕಗೊಂಡು ವೈದ್ಯಾಧಿಕಾರಿ ಹಾಗೂ ಹಿರಿಯ ವೈದ್ಯಾಧಿಕಾರಿ ಹುದ್ದೆಗಳಲ್ಲಿ ಕನಿಷ್ಠ 15 ವರ್ಷಗಳ ಸೇವೆಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರಬೇಕು.

2. ಮೂರು ವರ್ಷಗಳ ವಾರ್ಷಿಕ ಕಾರ್ಯ ನಿರ್ವಹಣಾ ವರದಿಗಳಲ್ಲಿ ಕನಿಷ್ಠ ಉತ್ತಮ ಶ್ರೇಣಿಯನ್ನು (Very good) ಹೊಂದಿರಬೇಕು.

3. ಅಧಿಕಾರಿಯ ಮೇಲೆ ಯಾವುದೇ ಕ್ರಿಮಿನಲ್ ವಿಚಾರಣೆ ಇರಕೂಡದು.

4. ಅಧಿಕಾರಿಯು ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಹೊಂದಿರುವುದು ಅಪೇಕ್ಷಣೀಯ.



5. ಅಧಿಕಾರಿಯು ಒಂದು ತಿಂಗಳ ಅಥವಾ ಅಧಿಕ ಅವಧಿಯ ಆಡಳಿತಾತ್ಮಕ ತರಬೇತಿ ಹೊಂದಿರುವುದು ಅಪೇಕ್ಷಣೀಯ.

6. ಅಧಿಕಾರಿಯು ವೃತ್ತಿಪರ ಅಭಿವೃದ್ಧಿ ಕೋರ್ಸ್‌ನಲ್ಲಿ ತರಬೇತಿ ಹೊಂದಿರುವುದು ಅಪೇಕ್ಷಣೀಯ.

7. ಆಯುಷ್ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ಹಿರಿಯ ವೈದ್ಯರುಗಳು ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಹೆಚ್ಚಿನ ಜವಾಬ್ದಾರಿಯಿಂದ ಸಕ್ರಿಯವಾಗಿ ಭಾಗವಹಿಸಿರಬೇಕು. ಈ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಆರೋಗ್ಯ ಮೇಳ/ಮನರ್ ಮನನ ತರಬೇತಿಗಳಲ್ಲಿ ಭಾಗವಹಿಸಿರಬೇಕು. ಇವರುಗಳಿಗೆ ಹಂಚಿಕೆ ಮಾಡಿರುವ ಒಳರೋಗಿಗಳ ಹಾಸಿಗೆಗಳನ್ನು ಕನಿಷ್ಠ ಶೇ.80ರಷ್ಟು ತುಂಬಿರಬೇಕು.

8. ಅಧಿಕಾರಿಯು ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಆಸ್ಪತ್ರೆ ನಿರ್ವಹಣೆ ಬಗ್ಗೆ ತರಬೇತಿ ಅಪೇಕ್ಷಣೀಯ.

9. ಹಾಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಜಿಲ್ಲಾ ಆಯುಷ್ ಅಧಿಕಾರಿಗಳನ್ನು ಮುಂದುವರಿಸಲು ಆಯುಷ್ ಇಲಾಖೆಯ ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಗಳನ್ನು ಅನುಷ್ಠಾನಗೊಳಿಸುವಲ್ಲಿ ಕನಿಷ್ಠ ಶೇ.80ರಷ್ಟು ಪ್ರಗತಿ ಸಾಧಿಸಿರಬೇಕು”

11. The above criteria makes it clear that, to get the posting of District Ayush Officer, one should have completed 15 years of service as Medical Officer and Senior Medical Officer. A person who is posted as District Ayush Officer, to



seek continuation as District Ayush Officer, should have achieved 80% of the department's developmental work. Upon reading of the Cadre and Recruitment Rules along with Government order dated 17.01.2014 (Annexure-A16), it is clear that, as a matter of right, a Medical Officer or Senior Medical Officer cannot seek posting as District Ayush Officer. Moreover, no Government servant has a right to seek posting of his/her choice or posting to a particular post.

12. When the respondent was before the Tribunal in Application No.10851/2023, the Tribunal by its order dated 19.03.2024 negated all the contentions of the respondent and particularly, respondent's contention that respondent Nos.3 and 4 therein were not eligible to be posted as District Ayush Officer was also rejected. However, this Court in W.P.No.102509/2024 dated 24.04.2024 (Annexure-A33) recording the submission of learned Government Advocate, directed the petitioners herein to give suitable posting to



the respondent. The suitable posting does not mean that the respondent is to be given posting as District Ayush Officer. Admittedly, the respondent is in the grade of Senior Medical Officer/Physician and she could seek posting as Senior Medical Officer/Physician. Taking note of the direction of this Court in the above stated writ petition, the petitioners rightly under Notification dated 14.06.2024 posted the respondent as Senior Medical Officer/Physician to Koppal District Ayurved Hospital.

13. The Tribunal under impugned order at paragraph (18) has observed that posting of one Dr.Parvath Gowda B. Hiregowdar as District Ayush Officer who is not even promoted as Senior Medical Officer is nothing but in clear violation of very orders passed by the first respondent. However, it is seen that said Dr.Parvath Gowda B. Hiregowdar is not a party to the application before the Tribunal and the respondent has not questioned the posting of said Dr.Parvath Gowda B. Hiregowdar as District Ayush



Officer. The respondent is before this Court in Application No.10851/2023 aggrieved by posting of one Dr.B.S.Sarala Devi as District Ayush Officer, Bellary in her place contending that she is junior to her. But, the said contention is not accepted by the Tribunal and the Tribunal rejected the said contention in its order dated 19.03.2024 and the writ petition filed against the said order of the Tribunal is also rejected. In the above circumstances, it is not open for the respondent to contend that Dr.B.S.Sarala Devi is given posting as District Ayush Officer in the present proceedings.

14. Further, the Tribunal committed an error in issuing positive direction to pass appropriate orders in posting the applicant to the suitable post of District Ayush Officer. No such positive direction could have been issued by the Tribunal and at the most, the Tribunal could have directed the petitioners to examine the eligibility of the respondent for posting as District Ayush Officer and if



eligible, to consider her case for posting as District Ayush Officer.

15. For the reasons recorded above, we proceed to pass the following:

ORDER

- a) Writ petition is partly allowed.
- b) The respondent's challenge to Notification dated 14.06.2024 (Annexure-A34) insofar as the applicant is concerned is dismissed and the consequential direction to post the applicant to the suitable post as District Ayush Officer is also set aside.
- c) However, it is made clear that if the respondent is eligible to be posted as District Ayush Officer and if the respondent makes representation in that regard, pointing out posting of her juniors as District Ayush Officer, the petitioners shall



consider such representation, if made within 15 days from today and pass suitable orders in that regard.

- d) In view of disposal of the writ petition, I.A.No.1/2025 for dispensation of production of English translated copies of Annexures stands disposed of.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**