

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT APPEAL NO. 41 OF 2025 (S-RES)

BETWEEN:

SRI PRASHANTH G.S,
S/O. SHIVANNA G. R,
AGED ABOUT 39 YEARS,
R/AT. MANJUNATHA NILAYA,
SANNAPPA LAYOUT, JATPAT NAGARA,
JOGIMATTI ROAD, CHITRADURGA - 577 501.

...APPELLANT

(BY SRI. SATISH K, ADVOCATE)

AND:

- 1 . THE BANGALORE UNIVERSITY,
REP. BY ITS VICE-CHANCELLOR,
JNANABHARATI CAMPUS,
BENGALURU - 560 056.
- 2 . THE REGISTRAR,
BANGALORE UNIVERSITY,
JNANABHARATI CAMPUS,
BENGALURU - 560 056.
- 3 . SRI. B. SATHYANARAYANA,
FATHER'S NAME NOT KNOWN TO THE APPELLANT,
MAJOR, WORKING AS ASSISTANT PROFESSOR,
DEPARTMENT OF ELECTRONIC SCIENCE,
BANGALORE UNIVERSITY,
JNANABHARATHI CAMPUS,
BENGALURU - 560 056

...RESPONDENTS

(BY SRI. B. PRAMOD, ADVOCATE FOR R-1 & 2;
SRI. SURAJ NAIK, ADVOCATE FOR R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO i) CALL FOR THE RECORDS PERTAINING TO THE WRIT PETITION No. 10483/2020, ii) SET ASIDE THE IMPUGNED ORDER DATED 26.11.2024 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No. 10483/2020 AND CONSEQUENTLY ALLOW THE WRIT PETITION No. 10483/2020 FILED BY THE PETITIONER/APPELLANT HEREIN AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.08.2025 AND COMING ON FOR 'PRONOUNCEMENT OF JUDGMENT', THIS DAY, **C M JOSHI J.**, PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE C M JOSHI)

1. For the reasons stated in the accompanying affidavit, IA No.1/2025 is allowed. Delay of 11 days in filing the appeal is condoned.
2. Being aggrieved by the order dated 26.11.2024 [**impugned order**] passed by the learned Single Judge of this Court in Writ Petition No.10483/2020 (S-RES), the appellant [writ petitioner] is before this Court in this appeal under Section 4 of the Karnataka High Court Act, 1961.

3. The appellant had filed the said writ petition seeking quashing of the Appointment order dated 27.12.2019 issued by 2nd respondent [The Registrar, Bangalore University] in favour of respondent No.3.

4. The appellant was the petitioner before the learned Single Judge.

5. The respondent No.1 had invited applications for filling up of teaching posts (Backlog vacancies) from the candidates belonging to the Scheduled Castes and Scheduled Tribes vide its notification as per Annexure-F. The post of Assistant Professor in technical science was one of the post reserved for the category of Scheduled Tribes. As per the notification, the last date for filling the applications was 23.04.2018. The appellant was one of the applicants to the said post. After processing the applications filed by the aspirants, the respondent No.3/B.Satyanarayana was declared as selected candidate while the appellant was placed in waiting list.

6. The appellant challenged the selection of the respondent No.3 on the ground of Rule 6 of the Karnataka State Civil Services (Unfilled Vacancies reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes) (Special

Recruitment) Rules, 2001[Hereinafter referred to as 'Rules of 2001'], that when there were no candidates who had attained the age of 29 years but not attained the age of 40 years, the candidates who have attained the age of 18 years but not attained the age of 29 years are to be included in the list. It was contended by the appellant that neither the respondent No.3/B.Satyanarayan had attained the age of 29 years nor any other candidate was in the said age group and therefore, the appellant who had the highest score in the interview ought to have been selected.

7. In this regard, the appellant had relied on the judgment in the case of ***Dr.Raghavendra H. K. Vs. State of Karnataka and others¹***, wherein it was held that the mode of recruitment as per the Special Rules ought to have been in strict compliance of Rule 6 of Rules of 2001. The said order in the case of ***Dr.Raghavendra (supra)*** had culminated in the order of the Hon'ble Apex Court in the case of ***Chaitra Nagammanavar Vs. State of Karnataka²***.

8. The respondent No.3-B.Satyanarayan contended that qualification for the post mandated was a Master Degree in the

¹ W.P.No.4923/2020 DATED 16.01.2021]

² Civil Appeal No.6772-6773/2023 DATED 02.05.2024.

relevant subject and the petitioner had possessed M.Tech (Digital Electronics and Communication System) under the engineering discipline and as such, he was not qualified for the said post. It was contended that the masters degree in the relevant subject referred to the masters degree in the pure science discipline viz., M.Sc., for the purpose of the Assistant Professor in the Science discipline. Therefore, a candidate in the engineering discipline was not qualified for the post of Assistant Professor called under the notification. Hence, the petitioner was ineligible and accordingly, he could not have contended that the selection of the respondent No.3 is improper under the Rules. Secondly, it was contended by him that the list was to be prepared after considering the age of the candidates and the Rule did not mandate that the list has to be prepared as per the age that was prevailing on the last date of filing the application. Therefore, it was canvassed on behalf of respondent No.3 that the selection of the respondent No.3 on the ground that he had completed the age of 29 years on the date of preparing the list is proper and correct.

9. The respondent-University contended that the qualifications of the respondent No.3 suited the prescribed qualification under the notification but that of the petitioner, being

under the engineering system was not suitable and as such, the selection of respondent No.3 is correct.

10. There cannot be any dispute that the recruitment was to be made in terms of the Rules of 2001. In the case of **Chaitra Nagammanavar (supra)**, the Hon'ble Apex Court has observed as follows:

"20. While we reject the submission of Mr. Shailesh Madiyal that the advertisement declaring that the 2001 Rules will be the 'Mode of Selection', is a mistake, we also hold that the university is bound to comply with what is declared in its advertisement: the 2001 Rules will be the guiding principles for the selection in question. We state this for the following reasons. Firstly, there was no uncertainty left after the introduction of sub-Section (1A) to Sec. 4 of the Reservation Act, 1990, requiring an establishment, i.e., the university, to take action for filling the backlog vacancies as a one-time measure by following the method prescribed by the Government. Secondly, the purpose and object of the amendment was amply clear from its SOR contemplating the application of the 2001 Rules for the universities. Thirdly, the conduct of the university in not responding to the categorical demands of the Government through its letters dated 27.02.2018, 22.05.2018 and 09.06.2021 to implement the 2001 Rules is conclusive about its acceptance of the applicable law and the policy, and

therefore, the advertisement. Hence, the requirement of the Government to specify the manner, procedure and time for identifying, filling backlog vacancies and completing the same was amply clear to the university. It is with this view that the university advertised that the 'Mode of Selection' shall be as per the 2001 Rules."

11. Thus, it is clear that the respondent-university has to follow the Rules of 2001 in its strict compliance. The Rule 6 and 7 of the Rules of 2001 are reads as follows:

"Rule - 6. List of selected candidates.

(1) The Selecting Authority shall, from among the candidates who have applied in pursuance to the publication inviting applications under Rule 5 and who have attained the age of 29 years but not attained the age of 40 years, prepare a list of candidates for each category of posts in the order of merit on the basis of percentage of total marks secured in the qualifying examination and taking into consideration the reservation for women, ex-servicemen, physically handicapped and project displaced persons in accordance with the Karnataka Civil Services (General Recruitment) Rules, 1977 and the rural candidates in accordance with the Karnataka Reservation of Appointments or Posts (in the Civil Services of the State for Rural Candidates) Act, 2000. If however, sufficient number of candidates, who have attained

the age of 29 years but not attained the age of 40 years are not available, the candidates, who have attained the age of 18 years but not attained the age of 29 years shall also be included in the select list in accordance with the provisions specified above to the extent of such insufficient number:

Provided that if two or more candidates have secured equal percentage of total marks in the qualifying examination, the order of merit in respect of such candidates shall be fixed on the basis of their age, the one older in age being placed higher in the order of merit. The number of candidates to be included in such list of eligible candidates shall be equal to the total number of vacancies notified under these rules.

(2) The list prepared in accordance with sub-rule (1) shall be published in the Official Gazette and shall be valid till all the candidates suitable for appointment notified under these rules are appointed.

Rule - 7. Appointment of candidates.

(1) Candidates whose names are included in the list prepared under Rule 6 may be appointed by the Appointing Authority in the vacancies in the order in which their names appear in the list after satisfying itself after such enquiry as it may consider necessary that each of the candidate is suitable in all respects for appointment.

(2) The inclusion of name of a candidate in the list published under Rule 6 shall not confer any right of appointment.”

12. A bare reading of Rule 6 of the Rules of 2001 provides that from among the candidates who have applied in pursuance to the notification inviting the applications, such candidates who have attained the age of 29 years but not attained the age of 40 years are to be picked and selection list for each category of the post has to be prepared. In case there are no sufficient number of candidates in the said age group, then the candidates who are otherwise qualified and fall within the age group of 18 years to 29 years have to be included in the list.

13. It may be noted that the Rule 3 of Rules of 2001 envisage the general rule that the candidates have to be selected within the age group of 18 years and not more than 40 years.

14. In the case on hand, the petitioner falls in the age group of 29 to 40 years and respondent No.3 falls in the age group of 18 to 40 years.

15. The next question that arises is, whether any date was prescribed on which the age of the candidates is to be considered. The perusal of the notification provides that the last date for submission of duly filled application forms is 23.04.2018

before 05.00 p.m. It does not say anything about the date on which such qualification is to be possessed. It is pertinent to note that it is only subsequent to the stage of application being filed, the list as contemplated under Rule 6 has to be prepared which obviously pre-supposes that the scrutiny of the applications has to be done and the ineligible applications are to be discarded. Accordingly, a list of candidates who would qualify within the age group of 18 to 40 years was prepared by the respondent as per Annexure-K on 22.07.2019. The said list at Annexure-K contains the name of the petitioner as well as the respondent No.3.

16. On 19.09.2019, list is prepared as per Annexure-L consisting of eligible list and objections were called for. Thus, as on the date of preparation of the list as per Annexure-K and L, the petitioner as well as respondent No.3 were eligible in the age group of 29 to 40. It is of significance to note that either Rule 6 or the notification issued by the respondent inviting applications for the post did not mention as to on which date the age will be reckoned the age limit. It is pertinent to note that as on the date of preparation of the list dated 22.07.2019 and the list dated 19.09.2019 as per Annexure-K and L, the respondent No.3 was qualified and was falling within the age group of 29 to 40 years.

17. It is the contention of the learned counsel appearing for the petitioner, by relying on the judgment in the case of ***Divya V/s. Union of India and others***³ that when the relevant rules prescribed the date on which the eligibility is to be possessed, that would prevail and in the absence of rules or any other date prescribed in the prospectus or advertisement for determining the eligibility, it would be last date for submission of the application form. Rule 6 as stated supra would indicate that the list has to be prepared only after the scrutiny of the application forms. The preparation of the list under Rule 6 was only at the stage of scrutiny and it cannot be construed to be that of the last date for filing the application or the date of application. Therefore, eligibility of the respondent No.3 to apply in terms of Rule 3 which makes any candidate between the age of 18 years and 40 years is eligible has to be justified. It is only after such applications are received, and on scrutiny that the list has to be prepared segregating the candidates in the two age groups. As on the date of preparation of the list, be it on 22.07.2019 or 19.09.2019, respondent No.3 had crossed age of 29 years. Therefore, inclusion of the name of the respondent No.3 in the list of eligible candidates cannot be found fault with.

³ (2024) 1 SCC 448

18. The next aspect would be whether the respondents No.1 and 2 were justified in selecting the respondent No.3 based on his qualification. The notification inviting applications prescribed the qualification for Assistant Professors. What can be deciphered is that the notification being for various posts in pure science as well as Engineering subjects, the Electronic science being a pure science subject, it was for the respondent No.1 and respondent No.2 to select a candidate who would be better suited for the post invited. The requirement of qualification for the post of Assistant Professor, Electronic Science being a subject under the science stream as stipulated in Clause 4.0.0 of the UGC Regulations, 2010 and UGC Regulations, 2016 reads as below:

"ASSISTANT PROFESSOR

(Arts, Humanities, Sciences, Social Sciences, Education, Languages, Journalism and Mass Communication)

i) Good academic record as defined by the concerned University with 50% marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level in a relevant subject from an Indian University, or an equivalent degree from an accredited foreign university."

19. The Masters degree as regards the Assistant Professor in science stream would be M.Sc. as regards Electronic Science. Significantly, M.E./ M. Tech., are not mentioned in the UGC regulations.

20. Insofar as the Assistant Professor, Engineering, the qualification reads as follows:

"ASSISTANT PROFESSOR (Engineering / Technology & Architecture)

ii) B.E/B.Tech., and M.E., / M. Tech., in relevant branch with First class or equivalent either in B.E., / B. Tech., or M.E., / M. Tech."

21. Therefore, the Master's degree as regards the Assistant Professor in Electronic Science would be M.Sc. and not from the Engineering stream.

22. Insofar as the Assistant Professor in Engineering is concerned, it is specifically mentioned in the UGC regulations that he should possess the qualification of B.E/B.Tech and M.E/M.Tech in relevant branch. Therefore, the selection of the respondent No.3, who is from the pure science stream cannot be faulted with. Obviously, it was for the respondents No.1 and respondent No.2 to select a candidate for the post of Assistant

Professor in the branches of sciences from a pure science stream and this aspect cannot be found fault with.

23. Though, a feeble attempt is made by the learned counsel appearing for the appellant that the ranking of the appellant was on the higher side than that of the respondent No.3, that cannot be a ground which would entitle him to be selected since he was not from the pure science stream. The basic qualification in the pure science stream cannot be substituted by additional qualification of the respondent No.3 in passing Karnataka State Eligibility Test (KSET) and National Eligibility Test (NET) as prescribed by the UGC.

24. In view of the above, the order passed by the learned Single Judge in dismissing the writ petition, cannot be found fault with. Accordingly, the appeal being bereft of any merits, is dismissed.

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

**Sd/-
(C M JOSHI)
JUDGE**

YAN-para 1 to 14
RKM-para 15 to end
CT:PA