



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 22ND DAY OF SEPTEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD
WRIT PETITION NO.8216 OF 2020 (S-RES)

BETWEEN:

SRI. S. SUNDARA
S/O LATE SHEKARA
AGED ABOUT 51 YEARS
R/AT C/O PUSTHAKA MANE
NEAR DURGIGUDI GOVERNMENT SCHOOL
SHIMOGGA 577201.

...PETITIONER

(BY SRI. H.V. MANJUNATHA, ADV.)

Digitally signed by
HEMALATHA A
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SECONDARY EDUCATION
BENGALURU-560001.
2. THE JOINT DIRECTOR
DEPARTMENT OF PRE-UNIVERSITY
EDUCATION, SAMPIGE ROAD
18TH CROSS, MALLESHWARAM
BENGALURU 560 003.
3. THE ASSISTANT DIRECTOR
DEPARTMENT OF PRE-UNIVERSITY
EDUCATION, SAMPIGE ROAD
18TH CROS, MALLESHWARAM
BENGALURU 560 003.
4. THE DIRECTORATE OF VOCATIONAL EDUCATION
SAMPAGE ROAD, 18TH CROSS
MALLESHWARAM, BENGALURU 560003.



5. REVIVING COMMITTEE
PRE-UNIVERSITY EDUCATION
SAMPIGE ROAD, 18TH CROSS
MALLESHWARAM, BENGALURU 560 003.
6. THE NATIONAL EDUCATION SOCIETY (R)
BALARAJ URS ROAD
TANK MOHALLA, SHIVAMOGGA-577201
REP BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA FOR R1 TO R4
SRI. GURURAJA P.B. ADV., FOR
SRI. M. NARAYANA BHAT, ADV., FOR R6
R5 SERVED)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT THE ORDER NO.PaPuShi/ JOC/ Vileena/ Bhodhakethra Counselling/ 2018-19 DATED 30.11.2018 PASSED BY THE R-2 AS PER ANNEXURE-C PROCEEDINGS OF THE REVIVING COMMITTEE DATED 23.11.2011 AS PER ANNEXURE-D AND THE ENDORSEMENT BEARING NO.Vru.Shi.Ni.Vileena:10/2019-20 DATED 19.08.2019 ISSUED BY THE R-4 AS PER ANNEXURE-J TO THE WRIT PETITION AS ILLEGAL, UNJUST AND QUASH THE SAME & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner has sought for following relief/s:

*"a) Declare that the order bearing No. PaPuShi/JOC
Vileena/Bhodhakethra Counselling/2018-19 dated*



30.11.2018 passed by the 2nd respondent as per Annexure-C, Proceedings of the reviving committee dated 23.11.2011 per Annexure-D and the endorsement bearing No.Vru.Shi.Ni.Vileena: 10/2019-20 dated 19.08.2019 issued by the 4th respondent as per Annexure-J to the writ petition as illegal, unjust and quash the same,

b) Issue direction to respondents 1 to 5 to absorb the petitioner as Lecturer either in Kannada or Sociology in 6th respondent College;

c) Allow this Writ petition with cost,

d) Grant such other relief or reliefs as this Hon'ble court may deem fit to grant in the circumstances of the case."

2. The case of the petitioner is that he was appointed as a Part-time Lecturer in the DVS PU (Independent) College, Shivamogga, to teach the Job-Oriented two-year PUC Diploma Course, by appointment order dated 30.06.1989 vide Annexure-L. At the time of appointment, the petitioner had acquired a JODC Diploma in Automobile Servicing. While working as a Part-time Lecturer, he obtained an M.A. degree in Kannada in the year 1997.



Thereafter, he acquired a Master's degree in Sociology in the year 2008.

The Government enacted a law called the Karnataka Part-Time Job Oriented Course Employees Absorption Act, 2011 (hereinafter referred to as 'the Act' for short). Pursuant to this, the petitioner's case was considered by the Government and has taken a decision on 09.09.2011 that the candidates who have acquired the required qualification at the time of order of absorption, their case can be consider for appointment as Lecturers. However, by the impugned order dated 30.11.2018 vide Annexure-C, the petitioner was appointed as non-teaching staff, i.e., Second Division Assistant (SDA), based on the proceedings of respondent No.4 dated 23.11.2011 (Annexure-D), which stated that the qualification of the candidate at the time of initial appointment must be taken into consideration, and any qualifications obtained after the appointment would not be considered. Being aggrieved by the same, the petitioner is before this Court.



3. The learned counsel appearing for the petitioner submitted that, by order dated 30.06.1989, the Management had appointed the petitioner as a Part-time Lecturer. Until the impugned order was issued, the petitioner continued to work as a Lecturer. In the meantime, the petitioner had acquired the required qualifications, namely, an M.A. degree in Kannada and a Master's degree in Sociology. Therefore, as on the date the Act came into force, the petitioner had acquired required qualifications to be appointed as a Lecturer. Without considering this aspect, the impugned endorsement was issued. He further submitted that, as per Section 3(b) of the Act, it is clear that, at the time of passing an order of absorption, if the candidate has acquired the required qualifications subsequent to his initial appointment but prior to absorption, the case must be considered for absorption under the Act. He also contended that the Committee constituted by the Government recommended that the case of a Lecturer who



acquired the required qualification after initial appointment but before absorption could be considered for appointment as a Lecturer. Contrary to this recommendation and the provisions of the Act, the impugned order was passed. Hence, he prayed that the writ petition be allowed.

4. Learned AGA has submitted that, as per the decision taken by the Committee vide Annexure-D, the candidates, who were qualified as on the date of their appointment are to be considered for absorption as Lecturers. Since the petitioner acquired the qualification subsequent to his appointment, his case has not been considered.

5. Learned counsel appearing for respondent No.6 has submitted that the petitioner was appointed as Part-time Lecturer on 30.06.1989. Till the impugned order has been passed, he was working as a Lecturer and the Management has no objection to continue the service of the petitioner as a Lecturer.



6. Heard the learned counsel for the parties. Perused the writ petition papers.

7. The petitioner was appointed as a Part-time Lecturer at DVS PU (Independent) College, Shivamogga, to teach the job-oriented two-year PUC Diploma Course, by appointment order dated 30.06.1989. It is also not in dispute that, the petitioner continued working as a Lecturer till 2018. The Government enacted the Karnataka Part-Time Job-Oriented Course Employees Absorption Act, 2011, for the absorption of employees working under Private Management in job-oriented courses. Section 3(b) of the Act is extracted below:

"3. xxxxx

(a) xxxxx

(b) *no part time Job Oriented Course employee shall be absorbed unless he possessed the qualification prescribed for the post on the date of his absorption under the relevant rules of recruitment."*



8. Considering the above-mentioned provision, the committee constituted by the State Government, headed by the Principal Secretary of the Department, has recommended that candidates, who acquired the required qualifications subsequent to their appointments, but prior to absorption, may be considered for appointment as Lecturers. The relevant recommendations are extracted below:

5.	ಶ್ರಮಿಕ ಶಿಕ್ಷಕರು	ಬೋಧಕೇತರ ಹುದ್ದೆಗಳಲ್ಲಿ (ದ್ವಿ.ದ.ಸ) ವಿಲೀನಕ್ಕೆ ಪರಿಗಣಿಸಬಹುದು. ಆದರೆ ಭೋದಕರಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಶ್ರಮಿಕ ಶಿಕ್ಷಕರನ್ನು ಅವರು ಸೇವೆಗೆ ಸೇರಿದ ನಂತರ ಪಡೆದ ವಿದ್ಯಾರ್ಹತೆ ಬೋಧಕ ಹುದ್ದೆಗೆ ಪೂರಕವಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಪರಿಗಣಿಸಿ ಬೋಧಕ ಹುದ್ದೆಯಲ್ಲಿ ವಿಲೀನಕ್ಕೆ ಪರಿಗಣಿಸಬಹುದು
6.	ಉಪನ್ಯಾಸಕರು	ವೃತ್ತಿ ಶಿಕ್ಷಣ ಕೋರ್ಸುಗಳಲ್ಲಿ ಡಿಪ್ಲೋಮಾ ಹಾಗೂ ಸಾಮಾನ್ಯ ಪದವೀಧರರನ್ನು ಉಪನ್ಯಾಸಕರಾಗಿ ನೇಮಕ ಮಾಡಿರುವುದರಿಂದ ಪ್ರಸ್ತುತ ಉಪನ್ಯಾಸಕರಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವವರು ಸೇವೆಗೆ ಸೇರಿದ ನಂತರ ಉಪನ್ಯಾಸಕರ ಹುದ್ದೆಗೆ ಪೂರಕವಾದ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು (Susequent required qualification) ಹೊಂದಿದ್ದರೆ ಅಂತಹವರನ್ನು ಹೆಚ್ಚಿನ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು (ದಿನಾಂಕ: 06-04-2011 ರಲ್ಲಿದ್ದಂತೆ) ಪರಿಗಣಿಸಿ ಉಪನ್ಯಾಸಕರ ಹುದ್ದೆಗೆ ಸದರಿಯವರು ಅರ್ಹರಾದ್ದಲ್ಲಿ ವಿಲೀನಕ್ಕೆ ಪರಿಗಣಿಸಬಹುದು.

9. Thereafter, vide Annexure-D, the committee has taken a decision that if the additional qualification has



been acquired subsequently, their case cannot be considered. The relevant paragraphs are extracted below:

"26. ದಿನಾಂಕ : 11.11.2011 ರಂದು ನಡೆದ ಸರ್ಕಾರಿ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ಸಭೆಯಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ನಿರ್ಣಯದಂತೆ, ನಿರ್ದೇಶಕರು, ವೃತ್ತಿ ಶಿಕ್ಷಣ ಇಲಾಖೆ. ಇವರು ಎಲ್ಲಾ ಇಲಾಖೆಗಳಿಂದ ರೋಸ್ಟರ್ ಜುಲಿಯನ್ನು ಅನುಗುಣವಾಗಿ ಮಾಹಿತಿಯನ್ನು ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರಿಂದ ಅಧಿಕೃತವಾಗಿ ಪಡೆಯುವಂತೆ ಮತ್ತು ಮುಂದಿನ ಸಭೆಯಲ್ಲಿ ಎಲ್ಲಾ ಮಾಹಿತಿಗಳನ್ನು ಮಂಡಿಸಲು ಸೂಚಿಸಲಾಯಿತು.

27. ನಿರ್ದೇಶಕರು, ವೃತ್ತಿಶಿಕ್ಷಣ ಇಲಾಖೆ, ರವರು ಈ ಸಮಿತಿಗೆ ವರದಿ ನೀಡಿರುವಂತೆ ದಿನಾಂಕ : 22.11.2011 ರಂದು ಸರ್ಕಾರಿ ಪರಿಶೀಲನಾ ಸಮಿತಿಯು ಅಂತಿಮವಾಗಿ ಸಭೆ ಸೇರಿ ಈ ಕೆಳಕಂಡಂತೆ ನಿರ್ಣಯಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಯಿತು.

a) ಉಪಸಮಿತಿ ಸದಸ್ಯರು ಪರಿಶೀಲಿಸಿ, ಸಹಿ ಮಾಡಿ ದೃಢೀಕರಿಸಿದ 1249 ಅರ್ಹ ಸಿಬ್ಬಂದಿ ಪಟ್ಟಿಯನ್ನು ಈಗಾಗಲೇ ಸರ್ಕಾರಕ್ಕೆ ದಿನಾಂಕ 23.09.2011 ರಂದು ವೃತ್ತಿಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕರು ವೃಂದವಾರು ತಯಾರಿಸಿದ್ದ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ಸಭೆಯ ಗಮನಕ್ಕೆ ನಿರ್ದೇಶಕರು, ವೃತ್ತಿಶಿಕ್ಷಣ ಇಲಾಖೆಯವರು ತಂದರು. ಉಪಸಮಿತಿ ಸದಸ್ಯರು ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ನೋಡಲ್ ಅಧಿಕಾರಿಗಳು ಪಟ್ಟಿ ತಯಾರಿಸಿ ಪರಿಶೀಲನೆ ಮಾಡಿರುವುದರಿಂದ ಅವರೇ ಸಂಪೂರ್ಣ ಜವಾಬ್ದಾರರು ಎಂಬ ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತವಾಯಿತು.

b) ವೃತ್ತಿ ಶಿಕ್ಷಣ ಇಲಾಖೆಯಲ್ಲಿ ಯಾವುದೇ ವೃಂದ ಮತ್ತು ನೇಮಕಾತಿ ನಿಯಮಗಳು ಇಲ್ಲದೇ ಇದ್ದುದರಿಂದ ಅರೆಕಾಲಿಕ ನೌಕರರನ್ನು ಅಗತ್ಯತೆಗೆ ಅನುಗುಣವಾಗಿ ಮತ್ತು ಸ್ಥಳೀಯ ಅವಶ್ಯಕತೆಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಸಂಬಂಧಿಸಿದ ಕೋರ್ಸುಗಳಿಗೆ ತೊಡಗಿಸಿಕೊಳ್ಳಲು ಪ್ರಾಂಶುಪಾಲರುಗಳಿಗೆ ಸೂಚನೆ ಇದ್ದುದರಿಂದ ಪ್ರಾಂಶುಪಾಲರುಗಳು ತಮ್ಮ ಹಂತದಲ್ಲಿಯೇ ಅರೆಕಾಲಿಕ ನೌಕರರನ್ನು ತೊಡಗಿಸಿಕೊಂಡಿದ್ದರಿಂದ ಖಾಲಿ ಪ್ರಕ್ರಿಯೆಗೆ ತೊಡಕು ಉಂಟಾಗಿರುವುದಾಗಿ ಸಭೆ ಅಜಿಪ್ರಾಯ ಪಟ್ಟಿತು. ಈ ದಿನೆಯಲ್ಲಿ ಶ್ರಮಿಕ ಶಿಕ್ಷಕರು ಮತ್ತು ಉಪನ್ಯಾಸಕರುಗಳ ಖಾಲಿ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಖಾಲಿ ವಿವರ ವಿವರವಾಗಿ ಇರುವುದರಿಂದ ವಿಭಿನ್ನವಾಗಿ ಉಂಟಾಗುತ್ತದೆ. ಅದರಿಂದ ದಿನಾಂಕ : 09.09.2011 ರ ಎಲ್ಲಾ ನಿರ್ಣಯಗಳನ್ನು



ಅನುಷ್ಠಾನಗೊಳಿಸಿದ್ದರೂ, ಪೂರಕ ವಿದ್ಯಾರ್ಹತೆಗೆ ಸಂಬಂಧಪಟ್ಟು ನಿರ್ಣಯವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಅನುಷ್ಠಾನಕ್ಕೆ ತರಲು *Post-work Qualification issues* ತೊಡಕು ಉಂಟಾಗುತ್ತದೆ ಎಂದು ಸಭೆ ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿತು ಮತ್ತು *To decide whether Post-Work Qualifications are relevant or not to the work becomes very subjective and discretionary. Hence it was decided not to go by that. Work*

c) ಹುದ್ದೆಗೆ ನಿಗದಿಪಡಿಸಿದ ಕನಿಷ್ಠ ವಿದ್ಯಾರ್ಹತೆಗೆ ಅನುಗುಣವಾಗಿಯೇ ವಿಶೇಷಗೊಳಿಸಬಹುದೆಂದು ಸಭೆ ತೀರ್ಮಾನಿಸಿತು. (*Basic Minimum Qualification Required for the Post*). *Additional qualification at the time of joining or Sub-subsequent qualification acquired during work cannot be considered* ಎಂದು ಸಭೆ ತೀರ್ಮಾನಿಸಿತು.

d) ನಿರ್ದೇಶಕರು, ವೃತ್ತಿಶಿಕ್ಷಣ ಇಲಾಖೆ, ರವರು ದೃಢೀಕರಿಸಿರುವಂತೆ ಅರೆಕಾಲಿಕ ನೌಕರರನ್ನು ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಅವರ ಕನಿಷ್ಠ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಸಂಬಂಧಿಸಿದ ಹುದ್ದೆಯಲ್ಲಿ ತೊಡಗಿಸಿಕೊಂಡಿದ್ದಾರೆಂದು ತಿಳಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಈ ಅಂತಿಮ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ ಕಳುಹಿಸಿಕೊಡಲು ಸಮಿತಿಯು ತೀರ್ಮಾನಿಸಿದೆ.

e) ವಿಶೇಷಕ್ಕೆ ಇಚ್ಛಿಸಿರುವ ಸಂಬಂಧಿಸಿದ ಇಲಾಖೆಗಳ ವೃಂದ ಮತ್ತು ನೇಮಕಾತಿ ನಿಯಮಗಳ *Extracts* ಯಥಾವತ್ತಾಗಿ ದಾಖಲಿಸಲು ಸಭೆ ನಿರ್ಣಯಿಸಿತು.

f) ಪರಿಶಿಷ್ಟ ಜಾತಿ / ಪರಿಶಿಷ್ಟ ಪಂಗಡ ರೋಸ್ಟರ್ ಅಳವಡಿಕೆಯಲ್ಲದೇ ಹಿಂದುಳಿದ ಜಾತಿ ಹಾಗೂ ವರ್ಗಗಳಿಗೆ ನಿಯಮಾನುಸಾರ ಅದ್ಭುತ ನೀಡಬೇಕೆಂದು ಸಭೆ ತೀರ್ಮಾನಿಸಿತು."

10. No reasons have been forthcoming for taking a different view. The committee, vide Annexure-D, has not provided any reason for modifying the earlier



recommendation made by the committee headed by the Secretary. While issuing the impugned endorsement, the Authority has failed to consider the provisions of the Act. Therefore, the impugned order is liable to be quashed. Hence, the following order:

ORDER

- a) The writ petition is ***allowed***.
- b) The impugned order dated 30.11.2018 vide Annexure-C only in respect of petitioner is concerned, and also the impugned endorsement dated 19.08.2019 vide Annexure-J are hereby quashed.
- c) The matter is remitted back to respondent Nos.1 to 3 to reconsider the case of the petitioner in terms of the Act, 2011 and pass the order in accordance with law and also taking into note of the decision of the Committee dated 09.09.2011 vide Annexure-E, as expeditiously as possible, not later



than three months from the date of receipt of a
certified copy of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

HA
List No.: 1 Sl No.: 38
CT:MS