



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100044 OF 2025 (S-RES)

BETWEEN:

1. THE PRINCIPAL SECRETARY (TECHNICAL),
HIGHER EDUCATION DEPARTMENT,
M.S. BUILDING, BANGALORE-560 001.
2. THE DIRECTOR (COMMISSIONERATE),
TECHNICAL EDUCATION DEPARTMENT,
(HIGHER EDUCATION) PALACE ROAD,
BENGALURU-560 001.
3. THE SECRETARY TO GOVERNMENT
(EXPENDITURE), FINANCE DEPARTMENT,
BANGALORE-01.

... APPELLANTS

(BY SRI G.K. HIREGOUDAR, PGA)

AND:

DR. PUNDARIKA G. S/O GANGA NAIK,
AGE. 58 YEARS, OCC. PRINCIPAL,
R/O. DR. B. ANNURAJA MIG-54,
KHB COLONY, DODDANAYAKANNAKOPPA,
K.C. PARK, DHARWAD-580 008.

... RESPONDENT

(BY SRI SANJAY CHANAL, ADVOCATE FOR SOLE RESPONDENT)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS; SET ASIDE THE ORDER DATED 16.11.2022 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.103058/2022 (S-RES).



THIS APPEAL IS COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the order passed by the learned Single Judge in W.P. No.103058/2022, the State has preferred the present writ appeal.

2. The respondent was appointed as a Lecturer in the Mechanical Engineering Department at BMS Engineering College, Bengaluru a Government-aided institution, on 31.03.1992. Thereafter, he resigned from the said college and was appointed as Principal of Government Engineering College, Ramanagara on 29.11.2010.

3. Subsequently, the respondent made an application dated 17.06.2021 requesting the State to take into consideration the services rendered by him in BMS Engineering College for the purpose of determining his



pensionary benefits. The said request was considered and rejected by the State. Aggrieved by the same, the respondent preferred the writ petition.

4. The learned Single Judge, on the following grounds has allowed the writ petition and has passed the impugned order as under:

"7. A reading of Rule 224-B of the Rules indicates that every employee desirous of having the benefit of counting their previous service of additional years as qualifying service for pension, as the case may be under the Rules shall make a request in writing to the Appointing Authority within three months from the date of joining the Government service.

8. Rule 2-C of the Rules specifies that Notwithstanding anything contained in sub-rule (1) of Rule 2, Part IV of these Rules, shall not be applicable to new recruits to State Government service joining on or after 1st April, 2006. In the instant case, the petitioner was appointed as a Lecturer in BMS Engineering College, a Government Aided Institution, in the year 1992. The petitioner is entitled to



the benefit under Rule 224-B of the Rules since he was appointed in the Government Aided institution prior to 2006 and after completing 18 years of service was appointed as an Associate Professor in the third respondent-University.

Accordingly, I pass the following:

ORDER

- i) The writ petition is allowed.
- ii) The impugned endorsement dated 08.02.2022 issued by respondent No.1, at Annexure-G, is hereby quashed.
- iii) Respondent No.3 shall count the prior service rendered by the petitioner in the Government Aided Institution for the purpose of fixing pension in terms of Rule 224-B of the Rules and pass appropriate orders expeditiously within a period of three months from the date of receipt of certified copy of this order."

5. Aggrieved by the same, the State has preferred the present appeal.

6. The case of the appellant-State is that the impugned order has been passed without taking into consideration Rule 223 of the Karnataka Civil Services Rules



(for short 'the Rules') and by erroneously interpreting Rule 224 of the said Rules.

7. Rule 2C of the Rules reads as under :

"2-C. Notwithstanding anything contained in sub-rule (1) of Rule 2, Part IV of these rules, shall not be applicable to new recruits to State Government service joining on or after 1st April, 2006."

8. Rule 223 of the Rules reads as under :

"223. The service of a Government servant does not qualify unless he is appointed and his duties and pay are regulated by the Government, or under conditions determined by the Governor. The following are examples of persons excluded from pension by this rule:-

- (1) Servants of a Municipality or a Local Board;
- (2) Servants of a grant-in-aid schools and Institutions."

9. Rule 224 of the Rules reads as under :

"224. Service does not qualify unless the Government servant holds a substantive office on a permanent



establishment but temporary service will count to the extent indicated in Rule 226.

[Note 1].-In the case of a Government servant retiring from service after 31st December, 1959, temporary and/or officiating service under the Government followed without interruption by confirmation in the same or another post, shall count in full as qualifying service provided he held a substantive appointment on a permanent establishment on the date of his retirement except in respect of. -

- (i) Periods of temporary or officiating service in non-personable establishments;
- (ii) Periods of service in work charged establishments;
- (iii) Periods of service paid from contingencies.

The proviso that temporary and/or officiating service, should be followed by confirmation may be relaxed by Government in special cases where for valid reasons a Government servant is not confirmed before his retirement or death while in service.]”

10. Rule 223 and Rule 224 fall under Part IV of the Rules. Under the circumstances, the provisions of both Rule 223 and Rule 224 of the Rules are not applicable to the respondent. Even otherwise, assuming that the said Rules



were applicable, the respondent would not be entitled to have the services rendered by him in BMS Engineering College counted towards pensionary benefits, in view of the specific bar contained under Rule 223 of the Rules.

11. The learned Single Judge has erroneously held that since the respondent was appointed prior to 14.02.2006 in BMS Engineering College, he is entitled to have the services rendered therein counted towards pensionary benefits.

12. Learned High Court Government Pleader fairly submits that the case of the respondent would be governed by the New Pension Scheme, which came into effect from 01.04.2006 and his claim would be required to be considered only under the said Scheme or any other law applicable to him.

13. Accordingly, this Court proceeds to pass the following:



ORDER

- i) The writ appeal is allowed.
- ii) The order dated 16.11.2022 passed by the learned Single Judge in W.P. No.103058/2022 is set aside.
- iii) Consequently, W.P. No.103058/2022 stands dismissed.
- iv) The appellants–State shall consider the case of the respondent in accordance with the New Pension Scheme or such other law as may be applicable to him.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

VB
CT:BCK
LIST NO.: 1 SL NO.: 37