



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 262 OF 2022 (S-RES)

BETWEEN:

DR SATHISHA
S/O SUNDARI
AGED 43 YEARS
R/AT CHITRAPU VILLAGE
NEAR BHARAGESHWARA DAIVASTHANA
MULKI POST,MULKI TALUK
DAKSHINA KANNADA DISTRICT-574154.

...PETITIONER

(BY SRI. GOVINDARAJ K.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF HIGHER EDUCATION (COLLEGIATE)
M S BUILDING, BANGALORE-560001.
2. COMMISSIONER OF COLLEGIATE EDUCATION
UNNATHA SHIKSHANA SOUDHA
SHESHADRI ROAD, BANGALORE-560001.
3. DIRECTOR OF COLLEGIATE EDUCATION
DR AMBEDKAR ROAD
SAMPANGIRAMANAGARA
BANGALORE-560001.
4. JOINT DIRECTOR OF COLLEGIATE EDUCATION
REGIONAL OFFICE
HAMPANKATTA UNIVERSITY COLLEGE CAMPUS
MANGALORE, DAKSHINA KANNADA-575001.

Digitally signed by
MALATHI CHALUVA
IYENGAR
Location: HIGH
COURT OF
KARNATAKA



5. THE PRESIDENT
ADAMARU MATH EDUCATION COUNCIL
POORNAPRAJNA EDUCATION COLLEGE CAMPUS
UDUPI, DISTRICT UDUPI-576101..

...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1 TO R4:
R5 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT DIRECTING THE RESPONDENTS TO APPOINT THE PETITIONER TO THE POST OF ASSISTANT PROFESSOR IN KANNADA UNDER RESERVED SC CATEGORY IN THE COLLEGES RUN BY R-5 AS PER NOTIFICATION VIDE ANNEXURE-F IN NO: KASHIE/15/KHAKUBA/MUMU/2018-1-/NEVI-2 WITH EFFECT FROM 01.07.2021.

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

This writ petition is filed under Article 226 of the Constitution of India, challenging the communication dated 02.09.2021 issued by the second respondent vide Annexure-J, whereby approval of the petitioner's appointment as Assistant Professor in Kannada under the SC category in the fifth respondent-Institution was rejected on the ground that, while completing his Ph.D.,



the petitioner had not satisfied the five conditions stipulated in the UGC Regulations, 2016.

2. The fifth respondent issued a notification calling for applications to fill up the posts of Assistant Professors in various subjects, as per Annexure-E. Pursuant thereto, the petitioner applied for the post of Assistant Professor in Kannada under the SC category. The Selection Committee selected the petitioner for the said post and forwarded his name to the State Government for approval. However, the second respondent, vide Annexure-J, rejected the said proposal. Therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner has raised the following contentions:

(i) Firstly, as per the UGC Regulations, 2016, the primary qualification required for the post of Assistant Professor is a Master's Degree with at least 55% marks and clearance of the National Eligibility Test (for short, 'NET'). Since the petitioner has secured more than 55%



marks in his Master's Degree and has cleared the NET, he is eligible to be appointed as Assistant Professor.

(ii) Secondly, if a candidate has been awarded a Ph.D. degree, he is exempted from NET, provided that the Ph.D. has been obtained in compliance with the five conditions mentioned in the Regulations. Since the petitioner has already cleared the NET examination and possesses a Master's Degree in Kannada with more than 55% marks, his appointment cannot be rejected on the ground that his Ph.D. was not obtained in compliance with the said five conditions. Hence, he seeks that the writ petition be allowed.

4. The learned Additional Government Advocate appearing for the State has contended that, though the petitioner has been awarded a Ph.D., he has not fulfilled the five conditions mentioned in the UGC Regulations. Hence, he seeks dismissal of the writ petition.



5. Heard the learned counsel for the parties and perused the writ petition papers.

6. As per the UGC Regulations, 2016, the eligibility criteria for appointment to the post of Assistant Professor are as follows:

"4.4.0 ASSISTANT PROFESSOR

4.4.1. Arts, Humanities, Sciences, Social Sciences, Commerce, Education, Languages, Law, Journalism and Mass Communication.

i. Good academic record as defined by the concerned university with at least 55% 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.

ii. Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) for Lecturer/Assistant Professor conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET.

iii. Notwithstanding anything contained in sub-clauses (i) and (ii) to this Clause 4.4.1, candidates, who are, or have been awarded a Ph. D. Degree in



accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009 or the subsequent Regulations if notified by the UGC, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges /Institutions.

Further, the award of degrees to candidates registered for the M.Phil/Ph.D programme prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinances/ By laws/ Regulations of the Institution awarding the degrees and the Ph.D candidates shall be exempted from the requirement of the minimum eligibility condition of "NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities / Colleges / Institutions subject to the fulfillment of the following conditions: -

- (a) Ph.D. degree of the candidate awarded in regular mode only;*
- (b) Evaluation of the Ph.D. thesis by at least two external examiners;*
- (c) Candidate had published two research papers out of which at least one in a refereed journal from out of his/her Ph.D. work;*



(d) The candidate had presented two papers in seminars/conferences from out of his/her Ph.D. work;

(e) Open Ph.D. viva-voce of the candidate had been conducted.

(a) to (e) as above are to be certified by the Vice-chancellor/Pro-Vice-Chancellor/Dean (Academic Affairs)/Dean (University Instructions)”

7. From the above, it is clear that if the candidate secured atleast 55% marks in Masters Degree and cleared the NET, is eligible to be appointed as Assistant Professor. Since the petitioner has secured more than 55% marks in his Master’s Degree in Kannada and has cleared the NET, the requirement of other conditions mentioned in the impugned communication only if the candidate has not cleared the NET. Therefore, the impugned communication is liable to be quashed.

8. Accordingly, the following order:

(i) The writ petition stands disposed of.



- (ii) The communication dated 02.09.2021 issued by the second respondent vide Annexure-J is quashed.
- (iii) The respondent Nos. 2 to 4 are directed to re-consider the proposal sent by the fifth respondent strictly in accordance with law, keeping in view the UGC Regulations, 2016, within eight weeks from the date of receipt of a copy of this order.

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

CM
LIST NO.: 1 SL NO.: 39