



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 1143 OF 2023 (S-RES)

BETWEEN:

SHRI BALASWAMY
S/O LATE OBAIAH
AGE 58 YEARS
WORKING AS ASSISTANT PROFESSOR
SAHYADRI COMMERCE & MANAGEMENT COLLEGE
SHIVAMOGGA
R/AT NEAR ESHWAR TEMPLE
1ST CROSS, VIDYANAGAR
SHIVAMOGGA, SHIVAMOGGA DISTRICT-577203

...PETITIONER

(BY SRI. VIJAYA KUMAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
HIGHER EDUCATION DEPARTMENT
6TH FLOOR, M.S. BUILDING
BANGALORE 560 001.
2. THE KUVEMPU UNIVERSITY
REP. BY ITS REGISTRAR
GNANA SAHYADRI, SHANKER GHATTA
SHIVAMOGGA, SHIVAMOGGA DISTRICT-577451.
3. THE PRINCIPAL
SAHYADRI COMMERCE & MANAGEMENT COLLEGE
CONSTITUENT COLLEGE OF KUVEMPU UNIVERSITY
SHIVAMOGGA, SHIVAMOGGA DISTRICT-577451.

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



4. THE ACCOUNTANT GENERAL (A & E)
KARNATAKA CIRCLE
PALACE ROAD
BANGALORE 560 001.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 & R4: SRI T P
RAJENDRA KUMAR SUNGAY, ADVOCATE FOR R2: R3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS RELATING TO ISSUE OF THE IMPUGNED
ENDORSEMENT BEARING NO. NO.KU.VI.MAA.SAA.NI-3 (254).
120:2022-23 DATED 15.06.2022 ISSUED BY THE R2 VIDE
ANNEXURE -W AND AFTER PERUSAL SET ASIDE THE SAME AND
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

This writ petition is filed under Article 226 of the
Constitution of India, seeking the following reliefs:

*"(i) To call for records relating to issue of the
impugned endorsement bearing
No.Ku.Vi:Maa.Saa.Ni-3(254):1204:2022-23 dated
15.06.2022 issued by the 2nd respondent vide
Annexure-W, and after perusal set aside the same.*

*(ii) To direct the respondents to extend the
benefit of old pension scheme, by counting the
service rendered by the petitioner as Assistant
Statistical officer with effect from 21.06.2003, for*



the purpose of determining his qualifying services under the Old Pension Scheme.”

2. The case of the petitioner is that he was initially appointed as a part-time Lecturer for the period from 10.08.1993 to 31.03.1997. Thereafter, the Government framed rules known as the Karnataka State Civil Services (Absorption of Persons Working as Part-time Lecturers in Karnataka Education Department Services (Department of Collegiate Education) (Special) Rules, *1996 (for short, *"1996 Rules"). A proposal was sent to absorb the petitioner under the said **1996 Rules.

3. During the pendency of consideration of his case, the petitioner was appointed as an Assistant Statistical Officer in the Department of Statistics on 21.06.2003. Subsequently, on 28.10.2011 (Annexure-J), in view of the **1996 Rules, the petitioner's services were absorbed at Sahyadri Arts and Commerce College, Shivamogga.

4. Thereafter, on 26.10.2011 (Annexure-M), the petitioner submitted his resignation seeking permission

**Corrected vide Chamber order dated: 11.03.2026*

***Corrected vide Chamber order dated: 15.04.2026*



from the Government to join as a Lecturer at Kuvempu University College. Pursuant thereto, by order dated 31.10.2011 (Annexure-L), the resignation submitted by the petitioner was accepted under Rule 252(b) of the Karnataka Civil Services Rules (KCSRs), and he was permitted to join as a Lecturer in the second respondent-University at the third respondent-College.

5. Since the petitioner's resignation was treated as a technical resignation and his earlier services were considered under Rule 252(b) of the KCSRs, the petitioner submitted representations dated 29.07.2013 (Annexure-R) and 03.06.2020 (Annexure-T) to the second respondent seeking consideration of his case under the Old Pension Scheme. The second respondent, by the impugned endorsement, rejected the petitioner's request. Hence, the petitioner is before this Court.

6. The learned counsel appearing for the petitioner submits that the Government has issued several



Government Orders protecting the interests of employees who were appointed prior to 2006, enabling their cases to be considered under the Old Pension Scheme and granting them the option to submit their requisitions. Pursuant thereto, the petitioner submitted a representation to the University. The Syndicate of the University, in its meeting held on 19.07.2024, resolved to recommend the petitioner's case and forwarded the recommendation to the Government on 09.09.2024. The said recommendation has been produced along with the memo dated 21.02.2026.

7. It is further contended that, till date, the State Government has not taken any decision on the recommendation forwarded by the University on 09.09.2024.

8. In view of the above, it would suffice for this Court to direct the Government to consider the recommendation made by the University vide communication dated



09.09.2024 for consideration of the case of the petitioner and another, in accordance with law, without being influenced by the impugned endorsement issued by the University dated 15.06.2022 (Annexure-W), within three months from the date of receipt of a copy of this order.

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

Cm/-
LIST NO.: 1 SL NO.: 20