



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 12685 OF 2017 (S-RES)

BETWEEN:

SMT ASHA A G
AGED ABOUT 60 YEARS,
W/O RAMAKRISHNA RAJ
WORKING AS PRINCIPAL
SESHADRIPURAM LAW COLLEGE
SESHADRIPURAM, BENGALURU 560020
& R/A NO.19/20, 2ND CROSS, 1ST MAIN
SAI LOTUS LAYOUT, CHANNASANDRA,
RAJARAJESWARINGAR
BENGALURU 560098

...PETITIONER

Digitally signed
by KIRAN
KUMAR
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. P.S. RAJAGOPAL, SR. COUNSEL FOR
SMT. ASHWINI RAJAGOPAL., ADVOCATE)

AND:

1. SESHADRIPURAM
EDCATIONAL TRUST
NO.27, NAGAPPA STREET,
SESHADRIPURAM, BENGALURU 560020
REPRESENTED BY ITS SECRETARY
2. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO Government.
DEPARTMENT OF LAW,



VIDHANA SOUDHA
BENGALURU 560001

3. KARNATAKA STATE LAW UNIVERSITY
NAVANAGAR,
HUBBALLI 580025
REPRESENTED BY ITS REGISTRAR

4. BAR COUNCIL OF INDIA
NO.21, ROUSE AVENUE INSTITUTIONAL
AREA, NEW DELHI 110002
REPRESENTED BY ITS SECRETARY

...RESPONDENTS

(BY SRI. NETTAR GOVINDA BHAT, ADVOCATE FOR R1
SRI. G RAMESH NAIK, AGA FOR R2
SRI. M.R. RAJENDRA, ADVOCATE &
SRI. ANUBHA SRIVASTAVA, ADVOCATE FOR R4
R3 H/S)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R-1 SESHDRIPURAM EDUCATION TRUST TO PAY TO THE PETITIONER SALARY AND ALLOWANCES AS PER UGC NORMS FROM THE DATE SHE WAS APPOINTED AS PRINCIPAL OF THE COLLEGE AS HAS BEEN EXTENDED TO THE PRINCIPAL OF GOVERNMENT AND GOVERNMENT AIDED COLLEGES IN THE STATE OF KARNATAKA BY GOVERNMENT ORDERS DTD 15.11.1999 AND 24.12.2009 VIDE ANNEXURE-B AND PAY ARREARS OF SALARY AND ALLOWANCES ON THAT BASIS IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking following reliefs:

- (a) *Issue a writ in the nature of mandamus directing respondent No.1/Seshadripuram Education Trust to pay to the petitioner salary and allowances as per UGC norms from the date she was appointed as Principal of the College as has been extended to the Principals of Government and Government aided colleges in the State of Karnataka by Government orders dated 15.11.1999 and 24.12.2009 Annexure-B and pay arrears of salary and allowances on that basis in the interest of justice and equity.*
- (b) *Issue such other appropriate writ, order or direction as this Hon'ble Court deems fit to grant in the interest of justice and equity, including the award of costs of this writ petition.*

2. Brief facts leading rise to the filing of this petition are as follows:

The petitioner is working as Principal at Seshadripuram Law College established and managed by respondent No.1. The petitioner states that the service



conditions are governed by the UGC pay scale and also the Bar Council of India Rules. In terms of these Statutes and Rules, according to the petitioner, she is entitled for the scales recommended by the UGC from time to time. The petitioner sought for the UGC pay scales and the same is not being made available. Hence, this writ petition.

3. Respondent No.1 filed the statement of objections contending that the writ petition filed by the petitioner is not maintainable. It is contended that there is a contract between the petitioner and respondent No.1. It is contended that the petitioner is entitled for pay scale as per the contract and not as recommended by the UGC. Hence, prays to dismiss the writ petition.

4. Heard the arguments of Sri P.S.Rajagopal, learned Senior counsel appearing for the petitioner and also Sri Nettar Govinda Bhat, learned counsel for respondent No.1.



5. Learned Senior counsel appearing for the petitioner submits that as per the proceedings of the Government of Karnataka, the Government has implemented the revision of UGC pay scales in respect of teachers, librarians etc. Respondent No.1 given an undertaking before the Bar Council of India on 03.05.2002 vide Annexure-H, wherein the petitioner has agreed regarding salary that respondent No.1 is paying pre-revised UGC pay scale. He submits that the Management of respondent No.1 has passed a resolution vide Annexure-J, wherein respondent No.1-Trust has decided to pay the UGC pay scales to the employees of Sheshadripuram Law College. He also submits that respondent No.1 addressed a letter dated 03.05.2002, wherein they made a request to the Bar Council of India not to make implementation of UGC pay scales. They undertake to pay UGC pay scales. He submits that in an identical case, similarly placed petitioner, approached this Court in W.P.9517/2001. The said writ petition came to be



allowed vide order dated 22.11.2001. He also submits that respondent No.1, aggrieved by the order passed in the aforesaid writ petition, preferred a writ appeal in W.A.No.52/2002 and the Government has also preferred a writ appeal in W.A.No.1401/2003. The said writ appeal disposed of directing the respondent-Institution to pay the UGC pay scale to the petitioner only with effect from the date when he approached the Court and the order of the learned Single Judge was modified to the said extent. He submits that the action of respondent No.1 in refusing to pay the UGC pay scale is contrary to the order passed by this Court in W.P.No.9517/2001. He also submits that the statute created the right. He submits that respondent No.1 is violating the UGC pay scale and the affiliated University and the Bar Council of India has granted permission subject to following the statutory Rules and Regulations framed by the Bar Council of India and UGC. The action of respondent No.1 is arbitrary, discriminatory, exploitative and violation of Article 14 of the Constitution of India. He



also submits that earlier the writ petition was filed by one M.S.Ramaraju against the Government and respondent No.1 who was appointed as the Principal of the college was entitled to be paid salary and allowances as per the UGC pay scale. The said writ petition came to be allowed and he also submits that respondent No.1 has raised objection regarding maintainability of the writ petition. He places reliance on the judgment of the Hon'ble Apex Court in the case of **ANDI MUKTA SADGURU SHREE MUKTAJEE VANDAS SWAMI SUVARNA JAYANTI MAHOTSAV SMARAK TRUST AND OTHERS Vs. V.R. RUDANI AND OTHERS** reported in **1989 (2) SCC 691**. He submits that the mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute. He also placed reliance on the judgment of the Hon'ble Apex Court in the case of **K.KRISHNAMACHARYULU AND OTHERS Vs. SRI VENKATESWARA HINDU COLLEGE OF ENGINEERING AND ANOTHER** reported in **(1997)3 SCC 571**. Hence, on these grounds, he prays to allow the writ petition.



6. *Per contra*, learned counsel for the respondent No.1 submits that the writ petition filed by the petitioner against the Private Educational Institution is not maintainable. He also submits that the writ petition is liable to be dismissed on the ground of delay and laches. He submits that the petitioner was appointed as a Principal in 2002 and the writ petition was filed in 2017. He submits that respondent No.1-Trust is a charitable trust and is an un aided institution and it is working on "no profit basis". Hence, on these grounds, he prays to dismiss the writ petition.

7. Reply by Sri P.S.Rajagopal, learned Senior counsel appearing for the petitioner, that the petitioner was appointed as a Principal in 2002 but cause of action arises every month. Thus there is no delay on the part of the petitioner in approaching this Court by filing a writ petition. He also submits that there is no estoppel against the statute. He also submits that against the same



institution, similar issue was entertained by this Court including maintainability of the writ petition against respondent No.1. Respondent No.1 is estopped to contend that the writ petition filed by the petitioner is not maintainable. He submits that the writ petition filed by the petitioner is not maintainable against respondent No.1 and similar argument was canvassed in the said writ petition. Hence, on these grounds, he prays to allow the writ petition.

8. Perused the records and considered the submissions of the learned counsel for the parties.

9. The petitioner is working as a Principal of Law College in Bengaluru. The petitioner while starting the Law College, obtained an affiliation from the Bar Council of India. The Law College was started from the academic year 1984 and the said college was affiliated to the Bengaluru University on 12.10.1984 and the University has extended temporary affiliation to the college for the



year 2000-01 and the Law College was permanently approved college by the Bar Council in 1997 for starting five years law college approval written statement declined and three years college was granted for the period of two years from the academic year 2000-01 with two section with an intake of 80 students in each. The Bar Council of India vide communication dated 19.01.2001 vide Annexure-F addressed to respondent No.1 Management at one of the condition laid down by the Bar Council of India is that all the teachers should be paid as per the UGC norms. The Principal of Sheshadripuram Law College has informed the Bar Council of India that he has been serving as a regular full time Principal from 17.06.1991 and he was not given UGC pay scale. It is further stated that the management of respondent No.1 was required to give UGC pay scale to the academic staffs of the college including Principal and also fulfill all other conditions communicated to the college vide previous letter dated 22.09.2000 and requested to send the report as to the steps taken to fulfill



the conditions laid down by the Bar Council of India. Respondent No.1 Trust addressed a letter to the Secretary, Bar Council of India vide Annexure-G and informed the Bar Council of India that the Board of Trustee of respondent No.1 have decided to pay UGC pay scales to the employees of the Sheshadripuram Law College and the copy was forwarded to the Registrar, Bangalore University, Bangalore. Respondent No.1 vide communication dated 03.05.2002 addressed to the Bar Council of India making a request not to implement the UGC pay scales a strict requirement. The Bar Council of India approved the affiliation of the Sheshadripuram Law College Bengaluru vide order dated 09.07.2002 made a recommendation to the Registrar, Bangalore University, Bengaluru and one of the condition imposed by the Bar Council of India that permanent law teachers including the Principal should be paid salary atleast as per the government scales of pay. Respondent No.1 issued advertisement, inviting an applications for the post of full time principal,



Sheshadripuram Law College. The petitioner appeared for the said interview and she was appointed as a Principal of Sheshadripuram Law College vide appointed order dated 07.12.2002. Though the appointment order indicates the pay of Rs.3,000/- per month in the scale of Rs.3,000/- - Rs.5,000/- + usual allowances as prescribed by the Government of Karnataka from time to time. The Bar Council of India while recommending for extension of approval of affiliation of Sheshadripuram Law College, Bengaluru imposed condition that the College should pay salary to the Principal, Fulltime lecturers and staff at UGC/Government pay scales vide Annexure-Q. Respondent No.1 after having accepted the conditions imposed by the Bar Council of India for affiliation and extension of Law College, wherein given an undertaking that provide UGC pay scale prevailing from time to time. Similarly placed petitioner namely Prof. M.S.Ramaraju was appointed as Principal of the said college and he was denied the payment of salary as per UGC scales. He



approached this Court in W.P.No.9517/2001. The said writ petition came to be allowed vide order dated 22.11.2001 and direction was issued to the respondent to provide UGC scale as applicable from time to time and in accordance with law. Respondent No.1 and the Government aggrieved by the order passed in the writ petition in W.P.No.9517/2001 preferred writ appeals in W.A.Nos.52/2002 C/w 1401/2003. The Division Bench vide judgment dated 07.06.2005 modified the order passed in the said writ petition and directed respondent No.1 herein to pay UGC pay scale to the petitioner only with effect from the date when approached the Court. Admittedly, in the instant case, the petitioner was appointed as a Principal in 2002 and the petitioner is entitled for UGC pay scale. The Co-ordinate Bench while disposing of the said writ petition has recorded its finding in para Nos.10 to 15 which reads thus:

10. The 2nd objection of the respondents is that no writ can be issued to the respondents. The Counsel for the respondents strongly relies on the Judgment of the Supreme Court reported in AIR



1976 SC 1073 (Arya Vidya Sabha, Kashi and another, Va. Krishna Kumar another). That was case a Srivastava and dealing with a dismissal of an employee and it was a case of a direction with regard to reinstatement. On the facts of that case, the Supreme Court ruled that the Court cannot order reinstatement of a servant who has been dismissed by the College authorities. Similarly, the 2nd Judgment reported Narain in 1976 (2) SCC 53 (Executive Committee of Vaish Degree College, Shamli and others Vs. Lakshmi Narain and others) is also clearly distinguishable on facts. That was a case in which the Court was considering with regard to a body being a State or not within the meaning of Article 12 of the Constitution of India. It is not a case of the petitioner that the respondent is a statutory body. Therefore, this Judgment is also not applicable to the facts of the case. the other hand, the Supreme Court in the case of On AIR 1989 SC 1607 (Shri Anadi Mukta Sadguru Shree Muktahjee Vandasjiswami Suvarna Jayanti Mahotsav Smarak Trust and others. Vs. V.R.Rudani and others) has ruled in para 14 as under:

"They are subject to the rules and regulations of the affiliating University. Their activities are closely supervised by the University authority. Employment in such institutions, therefore, is not devoid of any public character. So are the service conditions of the academic staff. When the University takes a decision regarding their pay scales, it will be binding on the management. The service conditions of the academic staff are, therefore, not purely of a private character. IT has super-added protection by University decisions creating a legal right-duty relationship between the staff and the management. When there is existence of this relationship, mandamus cannot be refused to the aggrieved party."



13. In para 15, the Court notices the observation of Rt. Hon Lord Denning in the following words:

"At one stroke the Courts could grant whatever relief was appropriate only certiorari and mandamus, but also declaration and injunction. Even damages. The procedure was much more simple and expeditious. Just a summons instead of a writ, No formal pleadings. The evidence was given by affidavit. As a rule no cross-examination, no discovery, and forth but there were important safeguards. In particular, in order to qualify the applicant had to get the leave of a judge.

The statute is phrase in flexible terms. It gives scope for development. It uses the words "having regard to". Those words are very indefinite. The result is that the courts are not bound hand and foot by the previous law. They are to 'have regard to it. So the previous law as to who are and who are not public authorities, is not absolutely binding. Nor is the previous law as to the matters in respect of which relief may be granted. This means that the judges can develop the public law as they think best. That they have done and are doing."

14. Again in para 16, the Court rules as under:

"There, however, the prerogative writ of mandamus confined only to public authorities to compel performance of public duty. The [ublic authority' for them means every body which is created by statute and whose powers and duties are defined by statute. So government departments, local authorities, police authorities, and statutory undertakings and corporations, are all 'public authorities'. but there is no such limitation for our High Courts to issue the writ in the nature of mandamus". Article 226 confers wide powers on the High Courts to issue writs in



the nature of prerogative writs. This is a striking departure from the English law. Under Article 226, writs can be issued to 'any person or authority'. It can be issued "for the enforcement of any of the fundamental rights and for any other purpose."

In paras 19 and 21, the Court rules as under:

"The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed. If a positive obligation exists mandamus cannot be denied."

Here again we may point out that mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute. Commenting on the development of this law, professor De Smith states: "To be enforceable by mandamus a public duty does not necessarily have to be one imposed by statute. It may be sufficient for the duty to have been imposed by charter, common law, custom or even contract." We share this view. The judicial control over the fast expanding maze of bodies affecting the rights of the people should not be put into water-tight compartment. It should remain flexible to meet the requirements of variable circumstances. Mandamus is a very wide remedy which must be easily available to reach injustice wherever it is found'. Technicalities should not come in the way of granting that relief under Article 226. We, therefore, reject the contention urged for the appellants on the maintainability of the writ petition."



In the said case, the Supreme Court has considered the Judgment of 1976 (2) SCC 53 (Executive Committee of Vaish Degree College, The Shamli and others Vs. Lakshmi Narain and others), which has been relied upon by the Counsel for the respondents to come to this conclusion. Supreme Court has ruled that in appropriate cases, Writ can be issued even in respect of a Trust running College. Similarly, this Court in a recent Judgment reported in 1998 (3) Kar.L.J.293 (S.S.Anand and Others Vs. the Management of Mahatma Gandhi Vidya Peeta, Bangalore and another) has ruled in para 11, after referring to the Judgment in AIR 1989 SC 1607 as under:

"The expression any person or authority' to used in Article 226 of the Constitution are not confined only to the statutory authorities and instrumentalities of the State, but cover any other person or body performing public duty and that what is important is the nature of the duty imposed on the body judged in the light of the positive obligation owed by the person, or the authority to the person affected. If a positive obligation exists, a mandamus cannot be denied. Mandamus is a very wide remedy, which could be easily available to reach injustice wherever it is found,"

15. In of the light these subsequent Judgments, I am of the view that the contention of the Counsel for the respondents has no legs to stand. In the case on hand, Principal of College is only trying enforce his statutory to entitlement in this case. In these circumstances, the objections of the respondents are unsustainable in law.



10. The petitioner also stands on the same footing, as the petitioner in W.P.No.9517/2001 and is also entitled for UGC pay scale. I concur with the findings recorded by the Co-ordinate Bench in the aforesaid writ petition that too against the same respondent No.1. Though the petitioner was appointed as a Principal in 2002, the petitioner has not made any request to respondent No.1 to pay the salary as per UGC pay scale. The petitioner filed this writ petition at the fag end of her service making a request to prove UGC pay scale. If respondent No.1 is directed to pay UGC pay scale from 2002 that will have a financial burden on respondent No.1, wherein respondent No.1 is the trust imparting education for the needy students on the basis of no profit. Respondent No.1 is directed to pay the UGC pay scale to the petitioner only with the effect from 21.03.2014 till the date of retirement of the petitioner from service, that will satisfy the petitioner's claim i.e., only for a period of three years.



11. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned endorsement is quashed.
- iii. Respondent No.1 is directed to pay the salary and allowances as per the UGC norms from 21.03.2014 till the date of retirement of the petitioner from service within one month from the date of receipt of certified copy of this order.
- iv. Pending application(s), if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE