

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO. 200 OF 2024 (S-RES)

C/W

WRIT APPEAL NO.863 OF 2023 (S-RES)

WRIT APPEAL NO.941 OF 2023 (S-RES)

WRIT APPEAL NO.942 OF 2023 (S-RES)

WRIT APPEAL NO.1038 OF 2023 (S-PRO)

WRIT APPEAL NO.1369 OF 2023 (S-PRO)

WRIT APPEAL NO.212 OF 2024 (S-PRO)

IN WA NO.200/2024

BETWEEN:

THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
VIKAS SOUDHA
BANGALORE-560 001

...APPELLANT

(BY SRI. REUBEN JACOB, AAG A/W
SRI. VIKAS ROJIPURA, AGA)

AND:

1. SRI. RANGARAMU M. R.
S/O RAMEGOWDA M. R.
AGED ABOUT 32 YEARS
WORKING AS ASSISTANT ENGINEER
CITY MUNICIPAL COUNCIL
MADIKERI-571 201

Digitally
signed by
PAVITHRA
N
Location:
High Court
of
Karnataka

2. SRI SHIVAKUMAR
S/O AMARESH
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
TOWN MUNICIPAL COUNCIL
SHIGGAON
HAVERI DISTRICT-581 205
3. SRI S. V. PURUSHOTHAM
S/O K. VENKATEGOWDA
AGED ABOUT 34 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-8
MYSORE CITY CORPORATION
UDYAGIRI, MYSURU-570 019
4. SRI RAMANNA K.
S/O KEMPANNA
AGED ABOUT 34 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-4
TA RA SU CIRCLE
MYSORE CITY CORPORATION
MYOSRE-570 019
5. SRI RAJATH KUMAR H. S.
S/O SHIVASHANKARIAH H. G.
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-3
SHARADADEVINAGAR CIRCLE
SHARADADEVI NAGAR
MYSURU, MYSORE DISTRICT-570 022
6. SRI VEERESH
S/O MOUNESHAPPA KALAPOOR
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)

HUBBALLI DHARWAD MUNICIPAL
CORPORATION
DDTP SECTION
DHARWAD-580 001

7. SRI MITHUN
S/O SHUBHAKARA
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
MANGALORE CITY CORPORATION
LALBAUGH, M. G. ROAD
MANGALORE
DAKSHINA KANNADA DISTRICT-575 003
8. SRI KIRAN A. R.
S/O RANGASWAMY
AGED ABOUT 29 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-1
MYSORE CITY CORPORATION
THYAGARAJA ROAD
MYSURU-570 019
9. SRI VENKATESH PALAGATTI
S/O BHARAMAPPA
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
VANI VILLAS WATER WORKS
WATER SUPPLY AND UGD DIVISION
MYSORE CITY CORPORATION
MYSORE-570 019
10. SRI SUDHEENDRA NAIK
S/O BALU NAIK
AGED ABOUT 34 YEARS
WORKING AS ASSISTANT ENGINEER (CIVIL)
TUMAKURU CITY CORPORATION
TOWN HALL

TUMAKURU-572 102
 R/AT SUDHA NILAYAM
 3RD CROSS, S. S. PURAM
 TUMAKURU-572 102

11. SRI VINAYAK BHARANI M. S.
 S/O SAGANI GOWDA T.
 AGED ABOUT 31 YEARS
 WORKING AS ASSISTANT ENGINEER
 TUMAKURU MAHANAGARA PALIKE
 PRESENTLY RESIDING
 AT MATRU NILAYA, 1ST FLOOR
 NEAR LAKSHMI IVF HOSPITAL
 80 FT ROAD, SIRA GATE
 TUMAKURU-572 101

(R10 & R11 ARE IMPEADED AS PER COURT ORDER
 DATED 29.01.2026)

...RESPONDENTS

(BY SRI. M.S.BHAGWATH, SENIOR COUNSEL FOR
 SRI. SATISH K., ADV. FOR R1;
 SRI. VIJAY KUMAR, ADV. FOR R2 AND R4 TO R9;
 SRI. P.S.RAJAGOPAL, SENIOR COUNSEL &
 SRI. PRASHANTH L. KANAL, ADVS FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
 KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
 THE IMPUGNED ORDER DATED 10.07.2023 PASSED BY THE
 LEARNED SINGLE JUDGE IN W.P.NO.1575/2023 AND DISMISS
 THE WP FILED BY THE RESPONDENT NO.1.

IN WA NO.863/2023**BETWEEN:**

1. SRI. SHIVAKUMAR
S/O AMARESH
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
TOWN MUNICIPAL COUNCIL
SHIGGAON, HAVERI DISTRICT
2. SRI RAMANNA K.
S/O KEMPANNA
AGED ABOUT 34 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-4
TA RA SU CIRCLE
MYSURU CITY CORPORATION
MYSURU
3. SRI RAJATH KUMAR H. S.
S/O SHIVASHANKARAIHAH H. G.
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-3
SHARADADEVINAGAR CIRCLE
SHARADADEVI NAGAR
MYSURU, MYSURU DISTRICT
4. SRI VEERESH
S/O MOUNESHAPPA KALAPOOR
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
HUBBALLI DHARWAD MUNICIPAL
CORPORATION DDTP SECTION
DHARWAD

5. SRI MITHUN
S/O SHUBHAKARA
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
MANGALROE CITY CORPORATION
LALBAUGH, M. G. ROAD
MANGALORE
DAKSHINA KANNADA DISTRICT
6. SRI KIRANA A. R.
S/O RANGASWAMY
AGED ABOUT 29 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-1
MYSORE CITY CORPORATION
THYAGARAJA ROAD
MYSURU
7. SRI VENKATESH PALAGATTI
S/O BHARAMAPPA
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
VANI VILAS WATER WORKS
WATER SUPPLY AND UGD DIVISION
MYSURU CITY CORPORATION
MYSURU

...APPELLANTS

(BY SRI. VIJAY KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
VIKAS SOUDHA
BANGALORE-560 001

2. SRI RANGARAMU M. R.
S/O RAMEGOWDA M. R.
AGED ABOUT 32 YEARS
WORKING AS ASSISTANT ENGINEER
CITY MUNICIPAL COUNCIL
MADIKERI

3. SRI S. V. PURUSHOTHAM
S/O K. VENKATEGOWDA
AGED ABOUT 34 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-8
MYSORE CITY CORPORATION
UDYAGIRI, MYSORE

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. VIKAS ROJIPURA, AGA FOR R1;
SRI. M.S.BHAGWATH, SENIOR COUNSEL FOR
SRI. SATISH K., ADV FOR R2;
SRI. P.S.RAJAGOPAL, SENIOR COUNSEL FOR
SRI. PRASHANTH L. KANAL, ADV. FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE OF IMPUGNED ORDER DATED 10.07.2023 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.1575/2023 AND DISMISS THE WRIT PETITION FILED BY THE RESPONDENT NO.2.

IN WA NO.941/2023

BETWEEN:

1. SRI. S. V. PURUSHOTHAM
S/O K. VENKATE GOWDA
AGED ABOUT 35 YEARS
PRESENTLY WORKING AS JUNIOR ENGINEER (CIVIL)

ZONAL OFFICE-08, MYSORE CITY
MUNCIPAL CORPORATION
MYSORE DIVISION
MYSURU-570 001.

...APPELLANT

(BY SRI. P.S.RAJAGOPAL, SENIOR COUNSEL FOR
SRI. PRASHANT L. KANAL, ADV)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY CUM ADDITIONAL
CHIEF SECRETARY
URBAN DEVELOPMENT
DEPARTMENT
VIKASA SOUDHA
DR. B. R. AMBEDKAR ROAD
BENGALURU-560 001
2. SRI RANGARAMU M. R.
S/O RAMEGOWDA M. R.
AGED ABOUT 32 YEARS
WORKING AS ASSISTNAT ENGINEER
CITY MUNCIPAL COUNCIL
MADIKERI-571 201
3. SRI SHIVAKUMAR
S/O SRI AMARESH
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
TOWN MUNCIPAL COUNCIL
SHIGGAON,
HAVERI DISTRICT
4. SRI RAMANNA K.
S/O KEMPANNA
AGED ABOUT 34 YEARS
WOKKING AS JUNIOR ENGINEER(CIVIL)

ZONAL OFFICE-04
THA. RA. SU. CIRCLE
MYSORE CITY CORPORATION
MYSURU DIVISION
MYSURU-570 001

5. SRI RAJATH KUMAR H. S.
S/O SHIVASHANKARAIHAH H. G.
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE-03
SHARADADEVI NAGAR CIRCLE
SHARADADEVI NAGAR
MYSORE
MYSORE DISTRICT-570 001
6. SRI VEERESH
S/O MOUNESHAPPA KALAPOOR
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
HUBBALLI DHARWAD
MUNICIPAL CORPORATION
DDTP SECTION, DHARWAD
7. SRI MITHUN
S/O SHUBHAKARA
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
MANGALORE CITY
MUNICIPAL CORPORATION
LALBAGH, M. G. ROAD
MANGALORE-575 001
DAKSHINA KANNADA DISTRICT
8. SRI KIRANA A. R.
S/O RANGASWAMY
AGED ABOUT 29 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)

ZONAL OFFICE-01
MYSORE CITY CORPORATION
MYSURU

9. SRI VENKATESH PALAGATTI
S/O BHARAMAPPA
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
VANI VILAS WATER
WORKS, WATER SUPPLY AND
UGD DIVISION
MYSORE CITY CORPORATION
MYSURU

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG, ADVOCATE A/W
SRI. VIKAS ROJIPURA, AGA FOR R1;
SRI. M.S.BHAGWATH, SENIOR COUNSEL FOR
SRI. SATISH K., ADV. FOR R2;
SRI. VIJAY KUMAR, ADV. FOR R3 TO R9)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE COMMON ORDER DATED 10.07.2023 PASSED BY THE
SINGLE JUDGE INSOFAR AS IT RELATES TO W.P. NO.1575/2023
(S-RES) IS CONCERNED.

IN WA NO. 942/2023

BETWEEN:

1. SRI MOHAN KUMAR M V
S/O VENKATESH
AGED ABOUT 30 YEARS
PRESENTLY WORKING AS
JUNIOR ENGINEER (CIVIL)

MYSORE CITY
MUNICIPAL CORPORATION
MYSORE DIVISION
MYSURU-570 001

2. SRI ABHISHEK
S/O SHRIMANTRAO
ARALAGUNDAGI
AGED ABOUT 26 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
HUBLI-DHARWAD CITY
MUNICIPAL CORPORATION
HUBLI-580 020

...APPELLANTS

(BY SRI. P.S.RAJAGOPAL, SENIOR COUNSEL FOR
SRI. PRASHANTH L. KANAL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
-CUM-ADDITIONAL CHIEF SECRETARY
URBAN DEVELOPMENT DEPARTMENT
VIKASA SOUDHA
DR. B.R. AMBEKDAR ROAD
BANGALORE-560 001
2. DIRECTORATE OF MUNICIPAL
ADMINISTRATION
REPRESENTED BY ITS DIRECTOR
V.V. TOWERS, 9TH AND 10TH FLOOR
DR. B.R. AMBEDKAR ROAD
BANGALORE-560 001
3. SMT. KAVYASHREE R.D.
W/O SRI. VIVEK H.S.

AGED ABOUT 31 YEARS
WORKING AS
ASSISTANT ENGINEER (CIVIL)
ON POST BASED TRANSFER
IN THE OFFICE OF DIRECTOR OF MUNICIPAL
ADMINISTRATION, V.V. TOWERS
DR. B. R. AMBEDKAR ROAD
BANGALORE-560 001.

4. SRI SHIVAKUMAR
NAME OF FATHER NOT KNOWN
AGE NOT KNOWN
PRESENTLY WORKING AS
JUNIOR ENGINEER (CIVIL)
SHIVAMOGGA CITY MUNICIPAL
CORPORATION
SHIVAMOGGA DIVISION
SHIVAMOGGA-577 201.

5. SRI RAMANNA K.
S/O KEMPANNA
AGED ABOUT 34 YEARS
WORKING AS
JUNIOR ENGINEER(CIVIL)
ZONAL OFFICE-04
THE. RA. SU. CIRCLE
MYSORE CITY CORPORATION
MYSORE DIVISION
MYSORE - 570 001

6. SR RAJATH KUMAR H. S.
S/O SHIVASHANKARAIHAH H. G.
AGED ABOUT 30 YEARS
WORKING AS
JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE - 03
SHARADADEVI NAGAR CIRCLE
MYSORE DISTRICT-570 001

7. SRI MOHAMMAD MOSIN HASAN
NAME OF FATHER: NOT KNOWN
AGE: NOT KNOWN
PRESENTLY WORKING AS
JUNIOR ENGINEER(CIVIL)
KALABURGI CITY
MUNICIPAL CORPORATION
KALABURGI DIVISION
KALABURGI-585 001
8. SRI. VEERESH
S/O MOUNESHAPPA KALAPOOR
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER(CIVIL)
HUBBALLI-DHARWAD
MUNICIPAL CORPORATION
DDTP SECTION
DHARWAD
9. SRI MITHUN
S/O SHUBHAKARA
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (CIVIL)
MANGALORE CITY
MUNICIPAL CORPORATION
LALBAGH, M G ROAD
MANGALORE-575 001
DAKSHINA KANNADA DISTRICT
10. SRI ADITHYA M. JOSHI
NAME OF FATHER NOT KNOWN
AGE NOT KNOWN
PRESENTLY WORKING AS
JUNIOR ENGINEER(CIVIL)
DAVANAGERE CITY MUNICIPAL CORPORATION
DAVANAGERE DIVISION

DAVANAGERE-577 001

11. RANJITHA
FATHER'S NAME NOT KNOWN
AGE NOT KNOWN
PRESENTLY WORKING
AS JUNIOR ENGINEER(CIVIL)
MYSURU CITY MUNICIPAL CORPORATION
MYSORE DIVISION
MYSURU-570 001
12. SRI SHIVNANDA BUDYAL
NAME OF FATHER NOT KNOWN
AGE NOT KNOWN
PRESENTLY WORKING AS
JUNIOR ENGINEER(CIVIL)
KALABURGI CITY MUNICIPAL CORPORATION
KALABURGI DIVISION
KALABURAGI-585 001
13. SRI KIRANA A.R.
S/O RANGASWAMY
AGED ABOUT 29 YEARS
WORKING AS JUNIOR ENGINEER(CIVIL)
ZONAL OFFICE-01
MYSURU CITY CORPORATION
MYSURU
14. SRI VENKATESH PALAGATTI
S/O BHARAMAPPA
AGED ABOUT 30 YEARS
WORKING AS JUNIOR ENGINEER(CIVIL)
VANI VILAS WATER WORKS
WATER SUPPLY AND UGD DIVISION
MYSURU CITY CORPORATION
MYSURU

15. SRI S.V.PURUSHOTHAM
S/O K. VENKATE GOWDA,
AGED ABOUT 35 YEARS
PRESENTLY WORKING AS
JUNIOR ENGINEER (CIVIL)
ZONAL OFFICE - 08
MYSORE CITY MUNICIPAL CORPORATION
MYSURU - 570 001

...RESPONDENTS

(BY SRI. REUBEN JACOB, ADDITIONAL ADVOCATE GERENAL
ALONG WITH SRI. VIKAS ROJIPURA, AGA FOR R1 AND R2;
SRI. VIJAY KUMAR, ADVOCATE FOR R4 TO R11 AND
R13 TO R15;
SRI. VIGNESHWAR S. SHASTRI, SENIOR COUNSEL FOR
SRI. GURURAJ, ADV.FOR R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE COMMON
ORDER DATED 10.07.2023 PASSED BY THE SINGLE JUDGE
INSOFAR AS IT RELATES TO WP NO.2236/2023(S RES) IS
CONCERNED.

IN WA NO. 1038/2023

BETWEEN:

1. SRI VINAY Y. N.
SON OF NANJUNDAPPA
AGED ABOUT 31 YEARS
WORKING AS JUNIOR ENGINEER
(ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004

2. SRI GANESH L. R.
SON OF RANGNATH L. B.
AGED ABOUT 36 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
SHIVAMOGGA CITY CORPORATION
SHIVAMOGGA-577 201
3. SRI RATOD NAIK
SON OF KRISHNA NAIK
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
TUMAKURU CITY CORPORATION
TUMAKUR-572 102

...APPELLANTS

(BY SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI. SUNDARA RAMAN M. V., ADVOCATE

AND:

1. SRI JAYANTH KUMAR
SON OF RAJANNA D.
AGED ABOUT 30 YEARS
WORKING AS ASSISTANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
2. SRI KAVAN A. B.
SON OF BIDDANI A. C.
AGED ABOUT 30 YEARS
WORKING AS ASSITANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
3. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS ADDITIONAL

CHIEF SECRETARY
VIKASA SOUDHA, BENGALURU
BENGALURU-560 001.

4. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
VISHWESHWARAIH TOWERS
DR. B. R. AMBEDKAR ROAD
BENGALURU-560 001
5. SRI CHANDRAHAS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
HUBLI - DHARWAD MUNICIPAL CORPORATION
HUBLI-580 020
6. SRI RAMESH
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURGI CITY CORPORATION
KALABURGI-585 101
7. SRI SUNIL
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURGI CITY CORPORATION
KALABURGI-585 101

...RESPONDENTS

(BY SRI. ANOOP HARANAHALLI, ADVOCATE FOR R1;
SRI. REUBEN JACOB, AAG ALONG WITH;
SRI. VIKAS ROJIPURA, AGA FOR R3 AND R4;
SRI. V. C. BHADRAGOUA, ADVOCATE FOR R5;
R2, R6 AND R7 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE
THE ORDER DATED 17.07.2023, PASSED BY THE LEARNED

SINGLE JUDGE IN W.P. NO.10290/2023 AND CONSEQUENTLY
DISMISS THE PETITION IN W.P. NO.10290/2023.

IN WA NO. 1369/2023

BETWEEN:

SRI. CHANDRAHAS
S/O CHINNAPPA
AGED ABOUT 35 YEARS
MAJOR
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
HUBLI-DHARWAD
MUNICIPAL CORPORATION
HUBLI-580 020.

...APPELLANT

(BY SRI. NAGAPRAVEENA D. A., ADVOCATE)

AND:

1. SRI. JAYANTH KUMAR
S/O RAJANNA D.
AGED ABOUT 30 YEARS
WORKING AS ASSISTANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
2. SRI. KAVAN A. B.
S/O BIDDANI A. C.
AGED ABOUT 30 YEARS
WORKING AS ASSISTANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSURU-570 004
3. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS ADDITIONAL

CHIEF SECRETARY
VIKASA SOUDHA
BANGALORE-560 001

4. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
BENGALURU VISHWESHWARAIHA TOWERS
DR. AMEDKAR ROAD
BANGALORE-560 001
5. SRI. VINAY Y. N.
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
MAJOR
WORKING JUNIOR ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
KARNATAKA
6. SRI. GANESH L. R.
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
MAJOR
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
SHIVAMOGGA CITY CORPORATION
SHIVAMOGGA-577 201
7. SRI. RATHOD NAIK
FATHER'S NAME NOT KNOWN TO
THE PETITIONERS
MAJOR
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
TUMAKUR CITY CORPORATION
TUMAKUR-572 102
8. SRI. RAMESH
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
MAJOR
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURGI CITY CORPORATION
KALABURAGI-585 101

9. SRI. SUNIL
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
MAJOR
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURAGI CITY CORPORATION
KALABURAGI-585 101

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG ALONG WITH
SRI. VIKAS ROJIPURA, AGA FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS
WRIT APPEAL BY SET ASIDE THE ORDER DATED 17.07.2023,
PASSED BY THE LEARNED SINGLE JUDGE IN W.P.10290 OF 2023
AND TO GRANT SUCH OTHER RELIEF AS THIS COURT DEEMS FIT
IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN WA NO.212/2024

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
VIKAS SOUDHA
BENGALURU-560 001
2. THE DIRECTOR OF MUNICIPAL
ADMINISTRATION
V. V. TOWER
DR. AMBEDKAR ROAD
BENGALURU-560 001

...APPELLANTS

(BY SRI. REUBEN JACOB, AAG ALONG WITH

SRI. VIKAS ROJIPURA, AGA)

AND:

1. SRI. JAYANTH KUMAR
S/O RAJANNA D.
AGED ABOUT 30 YEARS
WORKING AS ASSISTANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
2. SRI. KAVAN A. B.
S/O BIDDANI A. C.
AGED ABOUT 30 YEARS
WORKING AS ASSISTANT ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE-570 004
3. SRI. VINAY Y. N.
FATHER NAME NOT KNOWN
TO THE PETITIONERS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
MYSORE CITY CORPORATION
MYSORE - 570 004
4. SRI. CHANDRAHAS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
HUBLI - DHARWAD
MUNICIPAL CORPORATION
HUBLI - 580 020
5. SRI. GANESH L. R.
S/O RANGNATH L. B.
AGED ABOUT 36 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
SHIVAMOGGA CITY CORPORATION
SHIVAMOGGA - 577 201
6. SRI. RATOD NAIK
S/O KRISHNA NAIK
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
TUMAKUR CITY CORPORATION
TUMAKUR - 572 102

7. SRI. RAMESH
FATHER NAME UNKNOWN
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURGI CITY CORPORATION
KALABURGI - 585 101
8. SRI. SUNIL
FATHERS NAME UNKNOWN
AGED ABOUT 32 YEARS
WORKING AS JUNIOR ENGINEER (ELECTRICAL)
KALABURGI CITY CORPORATION
KALABURGI - 585101

...RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI. SUNDARA RAMAN M. V., ADVOCATE FOR R3, R5 AND R6;
R1, R2, R4, R7 AND R8 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE OF
IMPUGNED ORDER DATED 17.07.2023 PASSED BY THE LEARNED
SINGLE JUDGE IN W.P. NO.10290/2023 AND DISMISS THE
PETITION IN W.P. NO.10290/2023.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 16.06.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN
J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

The Writ Appeals No.200/2024, 941/2023, 942/2023, 863/2023 are filed challenging a common judgment of the learned Single Judge dated 10.07.2023 passed in W.P.No.1575/2023 (S-RES) and Writ Appeals No.1038/2023, 1369/2023 and 212/2024 are filed challenging a common Order of the learned Single Judge dated 17.07.2023 passed in W.P.No.10290/2023.

2. We have heard Shri P.S Rajagopal, learned Senior Counsel as instructed by Shri Prashanth L. Kanal; Shri Dhyan Chinnappa, learned Senior Counsel as instructed by Shri Sundara Raman M. V., learned advocate; Shri Vignesheshwar S. Shastri, learned Senior Counsel; Shri M.S. Bhagwath, learned Senior Counsel as instructed by Shri Satish K., learned advocate; Shri Vijay Kumar, learned counsel, Shri Anoop Haranahalli, learned counsel, Shri V. C. Bhadragouda, learned counsel and Shri Nagapraveena D. A., learned counsel appearing for the private parties in all the writ appeals and Shri Reuben Jacob, learned Additional

Advocate General along with Shri Vikas Rojipura, learned Additional Government Advocate appearing for the State.

3. It is submitted that the State Government by Notification dated 11.04.2011 published the Karnataka Municipal Corporations (Common Recruitment of Officers and Employees) Rules, 2011 ('2011 Rules' for short), applicable to recruitment to all posts connected with the Municipal Corporations in the State of Karnataka, except the Bruhat Bengaluru Mahanagara Palike ('BBMP' for short). According to the 2011 Rules, among others, there are three engineering cadres in the hierarchy, namely Junior Engineer, Assistant Engineer and Assistant Executive Engineer. The minimum qualification prescribed for appointment as an Assistant Engineer is a Degree in Engineering, whereas the minimum qualification prescribed for a Junior Engineer is a Diploma in Engineering. Under the 2011 Rules, the cadre of Assistant Executive Engineer (Civil) is filled up by direct recruitment as well as by promotion from the cadre of Assistant Engineer, and 25% of the said cadre is filled up by promotion from the cadre of Junior Engineer (Civil). Further,

a Junior Engineer requires five years of service, whereas an Assistant Engineer requires three years of service to be eligible for promotion to the post of Assistant Executive Engineer.

4. The writ petitioner challenged the 2011 Rules in W.P.No.1575/2023 as arbitrary and discriminatory inasmuch as they classify the Degree-holding Assistant Engineers and the Diploma-holding Junior Engineers alike, and treat both as eligible for promotion to the cadre of Assistant Executive Engineer. During the pendency of the writ petition, on 27.01.2023 the Departmental Promotion Committee recommended the names of the private-appellants for promotion against the 25% of quota available for the post of Assistant Executive Engineer (Civil).

5. The learned Single Judge by Order dated 02.02.2023 in W.P.No.1575/2023 granted an Interim Order directing the State not to give effect to the Department Promotion Committee proceedings till the next date of hearing. The private-appellants being aggrieved by this Interim Order filed an Interlocutory Application seeking

impleadment, which came to be allowed on 06.02.2023. Further, W.P.No.2236/2023 was filed by an Assistant Engineer (Civil) seeking promotion to the post of Assistant Executive Engineer (Civil).

6. The learned Single Judge by Order dated 10.07.2023 allowed the writ petitions and held that according to Rule 2(t) of the 2011 Rules, which defines "promotion" as appointment to a higher post or higher grade, reflects a legislative intent that promotion must flow from an immediate feeder cadre, not through accelerated promotion bypassing an intermediate cadre. It was further held that eligibility is different from experience and experience alone cannot substitute for the educational qualification and pay-scale hierarchy that distinguish the cadres. It was further held that comparable service rules of other Departments provide for promotion to Assistant Executive Engineer to the feeder cadre of Assistant Engineer, with Junior Engineers eligible for promotion to Assistant Engineer.

7. The learned Single Judge held the 2011 Rules insofar as it provides for filling up 25% of the post of Assistant Executive Engineer (Civil) from the cadre of Junior Engineer (Civil) to be unconstitutional. The State Government was directed to grant promotion to the post of Assistant Executive Engineer only from the feeder cadre of Assistant Engineer, and to fill up the Assistant Executive Engineer vacancies in terms of the observations made, within eight weeks from receipt of the Order.

8. Writ Petition No.10290/2023 (S-PRO) was filed challenging the 2011 Rules insofar as it provided for filling up of 40% of the post of Assistant Executive Engineer (Electrical) from the cadre of Junior Engineer (Electrical) and direct the promotion of the writ petitioners from the cadre of Assistant Engineer (Electrical) to Assistant Executive Engineer (Electrical). The writ petition was allowed by Order dated 17.07.2023, pursuant to the Order of the learned Single Judge dated 10.07.2023 passed in W.P.No.1575/2023.

9. The present writ appeals are filed challenging the Order of the learned Single Judge in W.P.No.1575/2023 and W.P.No.10290/2023. This Court modified the Interim Order directing *status quo* by Order dated 06.08.2025 and permitted to make appointments to the post of Assistant Executive Engineer in accordance with the 2011 Rules subject to further directions in the Writ Appeals. Against the said Order, the writ petitioners preferred Special Leave Petitions No.2383-2386/2025, whereby the Apex Court stayed the Order of this Court by Order dated 29.08.2025. Further, on 19.01.2026 the Special Leave Petitions were disposed of by the Apex Court setting aside the Interim Order dated 06.08.2025 and left open for this Court to proceed to decide the matter in the present appeals.

10. The learned Additional Advocate General appearing for the appellant- State contended that the learned Single Judge misinterpreted the definition of "promotion" in Rule 2(t) of the 2011 Rules. Promotion means appointment to a higher post or grade, and that the Junior Engineer is a lower post, while the Assistant Executive

Engineer is a higher post to which the Junior Engineer is subordinate. Relying on Schedule-III(b) of the 2011 Rules under which both the Assistant Engineer and the Junior Engineer are shown as subordinate to the Assistant Executive Engineer, it is contended that appointing a Junior Engineer to the post of Assistant Executive Engineer is also a promotion to a higher grade within Rule 2(t) of the 2011 Rules.

11. It is further contended that prescribing feeder cadres and creating promotional avenues falls within the exclusive domain of the rule-making authority, and that the learned Single Judge has exceeded the scope of judicial review. It is further contended that Assistant Engineer and Junior Engineer discharge identical duties and are subordinate to the Assistant Executive Engineer. Therefore, the classification carving out a 25% quota for Junior Engineers bears a reasonable nexus to the object sought to be achieved. It is further contended that the administration may give the lesser-qualified employees an avenue of promotion on different terms, in the instant case, five years

of experience for a Junior Engineer as against three years for an Assistant Engineer and that an accelerated promotion to a small percentage of posts is a legitimate incentive.

12. Further, it is contended that the case of **B.S. Mahabaleshwara v. State of Karnataka** by Order dated **19.06.2012** passed in **W.P.No.14366/2008 and connected matters**, relied upon by the learned Single Judge is distinguishable on facts, as the case concerns the amalgamation of distinct cadres carrying three different pay-scales into one, producing double promotions through cadres that already had their own promotional ladder, whereas in the instant case, there is no nexus between Assistant Engineer and Junior Engineer. It is further contended that under the BBMP (General Cadre and Recruitment of Officers and Employees) Rules, 2020 ('2020 Rules' for short), a Junior Engineer is first promoted to Assistant Engineer Grade-II and then to Assistant Executive Engineer Grade-II. However, under the 2011 Rules, a Junior Engineer cannot be promoted to Assistant Engineer at all, so his only way forward is to the post of Assistant Executive Engineer.

Further, the 25% quota exists to give Junior Engineers a route they would otherwise be denied and that the two sets of rules therefore cannot be compared. It is further contended that the 2011 Rules have been in force since 2011 and that the vacancies sought to be filled by the circular dated 09.09.2022 fall within the Junior Engineers' quota, and that the mere pendency of a proposed amendment cannot be a ground to deny Junior Engineers' promotion under the 2011 Rules as they presently stand.

13. The learned Additional Advocate General places reliance on the following decisions:-

- ***State of Uttarakhand and Others v. S.K. Singh and Others*** reported in **(2019) 10 SCC 49**; and
- ***S.N. Chandrashekar and Another v. State of Karnataka and Others*** reported in **(2006) 3 SCC 208**.

14. Shri. P.S. Rajagopal, learned Senior Counsel appearing for the appellants in Writ Appeals No.941 and 942/2023 contends that the learned Single Judge failed to appreciate that under the 2011 Rules, promotion to the cadre of Assistant Executive Engineer (Civil) was

apportioned as 50% from Assistant Engineers and 25% from Junior Engineers, and that the writ petitioners' challenge was only a grievance that their own chances of promotion were affected. It was further contended that the classification for promotion based on educational qualification was unimpeachable, since a Diploma holder enters the cadre as Junior Engineer (Civil) whereas a graduate degree holder enters as Assistant Engineer (Civil). Further, the differing eligibility periods of three years and five years, along with the separate quotas of 50% and 25%, were founded on relevant considerations, as held in ***State of Jammu and Kashmir v. Triloki Nath Khosa*** reported in ***(1974) 1 SCC 19***.

15. It is further contended that the Order of the learned Single Judge amounted to nullifying the policy of the employer by sub-consciously entering into the wisdom of the Rule, which is impermissible in law. It was further contended that the learned Single Judge failed to apply the test laid down in ***P.U. Joshi and Others v. Accountant General, Ahmedabad and Others*** reported in ***(2003) 2 SCC 632***,

wherein the Apex Court held that a Court has no role in determining recruitment methodology or selection criteria and cannot sit in appeal over the employer's judgment, to direct that a post be filled by a particular mode, except where the action is contrary to a constitutional or statutory provision. It is further contended that the learned Single Judge misread the case of ***State of Uttarakhand and Others v. S.K. Singh and Others*** reported in **(2019) 10 SCC 49**, on accelerated promotion, and failed to appreciate that rule-making power under the proviso to Article 309 of the Constitution of India is legislative in nature and the test for constitutionality being whether the legislature was competent to enact the provision.

16. Shri. P.S. Rajagopal, learned Senior Counsel places reliance on the following judgments:-

- ***M.S. Ramesh and Others v. State of Karnataka and Others*** passed in ***Civil Appeal No.7561 of 2023*** by order dated **11.01.2024**;
- ***C. Beepathuma and Others v. Velasari Shankaranarayana Kadambolihaya and Others*** reported in ***AIR 1965 SC 241***;

- ***Commissioner of Agricultural Income-tax, West Bengal v. Keshab Chandra Mandal*** reported in ***AIR 1950 SC 265***;
- ***Mumbai International Airport Private Limited v. Golden Chariot Airport and Another*** reported in ***(2010) 10 SCC 422***;
- ***B.S. Mahabaleshwara and Others v. The State of Karnataka and Others*** passed in ***Writ Petition No. 14366 of 2008 (S-KAT) and Connected Matters*** by order dated ***19.06.2012***;
- ***C. Vijaya Baskar and Others v. Government of Tamil Nadu Rep. by its Secretary Rural Development and Panchayat Raj Department and Another*** reported in ***2023 SCC OnLine Mad 5573***;
- ***State of Mysore v. G.B. Purohit*** reported in ***1967 SCC OnLine SC 384***;
- ***Dhole Govind Sahebrao and Others v. Union of India and Others*** reported in ***(2015) 6 SCC 727***;
- ***Roop Chand Adlakha and Others v. Delhi Development Authority and Others*** reported in ***1989 Supp (1) SCC 116***;
- ***Hardev Singh v. Union of India and Another*** reported in ***(2011) 10 SCC 121***;
- ***K. Narayanan and Others v. State of Karnataka and Others*** reported in ***1994 Supp (1) SCC 44***;
- ***P. Sudhakar Rao and Others v. U. Govinda Rao and Others*** reported in ***(2013) 8 SCC 693***;

- ***Union of India v. Pushpa Rani and Others*** reported in ***(2008) 9 SCC 242;***
- ***Deepak Agarwal and Another v. State of Uttar Pradesh and Others*** reported in ***(2011) 6 SCC 725;***
- ***State of Himachal Pradesh v. Raj Kumar*** reported in ***(2023) 3 SCC 773;***
- ***T. Aruna and Others v. Secretary, A.P. Public Service Commission and Others*** reported in ***(2001) 9 SCC 54;***
- ***Patangrao Kadam v. Prithviraj Sayajirao Yadav Deshmukh and Others*** reported in ***(2001) 3 SCC 594;***
- ***Dilip Kumar Garg and Another v. State of Uttar Pradesh and Others*** reported in ***(2009) 4 SCC 753;***
- ***P. Murugesan and Others v. State of Tamil Nadu and Others*** reported in ***(1993) 2 SCC 340;***
- ***Chandravathi P.K. and Others v. C.K. Saji and Others*** reported in ***(2004) 3 SCC 734;***
- ***Kuldeep Kumar Gupta and Others v. H.P. State Electricity Board and Others*** reported in ***(2001) 1 SCC 475;***
- ***State of Mysore v. M.H. Krishna Murthy and Others*** reported in ***(1973) 3 SCC 559;*** and
- ***Mohammad Shujat Ali and Others v. Union of India and Others*** reported in ***(1975) 3 SCC 76.***

17. Similar contentions are raised by Shri Vijaya Kumar, learned counsel appearing for the appellants in Writ Appeal No.863/2023. It is contended that the finding of the learned Single Judge that promotion to the next cadre would mean from the post of Junior Engineer to Assistant Engineer and then Assistant Executive Engineer is erroneous, because Junior Engineer and Assistant Engineer are source cadre for Assistant Executive Engineer and separate quotas are being maintained for each feeder cadre. Further, accelerated promotion for Junior Engineer is permissible according to the Apex Court's judgment in **Triloki Nath Khosa's case** (supra).

18. It is also contended that the learned Single Judge's reliance on **B.S. Mahabaleshwara's case** (supra) is misplaced, because the instant case deals with promotion from Junior Engineer to Assistant Executive Engineer based on experience, whereas in **B.S. Mahabaleshwara's case** (supra) involved the amalgamation of three cadres and transfer from the cadre of Training Officers possessing degree in Engineering. It is further contended that the

learned Single Judge could not have compared the Cadre and Recruitment Rules of other departments as the facts and circumstances of this case are entirely different. It is further contended that the finding of the learned Single Judge is violative of Article 14 of the Constitution of India because pay-scale and educational qualification cannot be the sole criterion to determine the eligibility for promotion to a higher cadre, since both the Junior Engineer and Assistant Engineer have a separate quota for promotion to the post of Assistant Executive Engineer.

19. Shri Vijaya Kumar, learned counsel has placed the following decisions on record:-

- ***P.U. Joshi and Others v. Accountant General, Ahmedabad and Others*** reported in **(2003) 2 SCC 632;**
- ***Union of India v. Pushpa Rani and Others*** reported in **(2008) 9 SCC 242;**
- ***Deepak Agarwal and Another v. State of Uttar Pradesh and Others*** reported in **(2011) 6 SCC 725;** and
- ***State of Uttarakhand and Others v. S.K. Singh and Others*** reported in **(2019) 10 SCC 49.**

20. Shri. Dhyan Chinnappa, learned Senior Counsel appearing for the appellants in Writ Appeal No.1038/2023, submits that the private appellants herein were appointed through direct recruitment as Junior Engineers (Electrical) through the 2011 Rules. While the learned Single Judge correctly noted that educational qualification can be a criterion in promotional matters, it is erroneously held that it should be the sole criterion, which is an unconstitutional overreach by the learned Single Judge. Matters of recruitment, qualification and selection criteria fall exclusively within the domain of the employer, and judicial review is permissible only where the action is shown to be contrary to a constitutional or statutory provision.

21. It is further contended that the learned Single Judge has not considered the law laid down in ***T.R. Kothandaraman and Others v. Tamil Nadu Water Supply and Drainage Board and Others*** reported in **(1994) 6 SCC 282**, wherein the Apex Court held that promotional classification between degree holders and diploma holders is constitutionally valid. The Apex Court

further recognised that excessive emphasis on higher educational qualifications may cause a dent to social justice, as it is the poorer sections of society that would be deprived of their legitimate expectations. It is further contended that the practical consequence of the impugned judgment is that the Junior Engineers, who accepted employment on the basis of service conditions that included a promotion after five years, would have to remain Junior Engineers for life. It is also contended that quashing the 2011 Rules would not only exclude future promotions, but would also unsettle past promotions made based on the Rules.

22. Shri. Nagapraveena, learned counsel appearing for the appellants in W.A.No.1369/2023, contends that the learned Single Judge in W.P.No.10290/2023 failed to properly appreciate ***T.R. Kothandaraman's*** case (supra), where the Apex Court upheld an identical 3:2 classification between degree and diploma holders for promotion as constitutionally valid. This has left the private appellants permanently confined to the post of Junior Engineer contrary to the service conditions under which they were originally

appointed. It is further contended that the reliance placed on W.P.No.1575/2023, which held that experience cannot be a sole substitute for educational qualification, is similarly misconceived. Reliance is also placed on **Triloki Nath Khosa's** case (supra), wherein the Court held that the burden lies on the party alleging that a rule is arbitrary or violative of Article 14 of the Constitution to plead and prove the same. It is further contended that judicial scrutiny is limited to examining whether the classification rests on a reasonable basis bearing nexus to the object sought to be achieved, and does not extend to the Court substituting its own judgment for that of the rule-making authority, a principle reaffirmed by the Constitution Bench in **Mohammad Shujat Ali v. Union of India** reported in **(1975) 3 SCC 76**. It is further contended that this is not a case of impermissible accelerated promotion, as the Junior Engineer and Assistant Engineer cadres operate independently with separate promotional streams, and no cadre is being bypassed.

23. Shri. M.S. Bhagwath, learned Senior Counsel appearing for respondent No.1 in Writ Appeal No.200/2024 and respondent No.2 in Writ Appeal No.941/2023 contends that the 2011 Rules, to the extent they provide for filling 25% of the cadre of Assistant Executive Engineer (Civil) by promotion from Junior Engineer (Civil), is arbitrary. It is contended that the State has also notified the 2020 Rules of the BBMP but the method of filling the post of Assistant Executive Engineer differs from the 2011 Rules. In the 2011 Rules, the post of Assistant Executive Engineer is filled by direct recruitment as well as promotion from Assistant Engineer or Junior Engineer, whereas under the 2020 Rules, it is filled only by promotion from Assistant Engineer or by deputation, with a distinction drawn between graduates and non-graduates. The 2011 Rules wrongly treat degree holders and diploma holders alike and allow Junior Engineers possessing only a diploma to be directly promoted to the post of Assistant Executive Engineer. The State cannot prescribe two different methods of recruitment to the same post in two different Corporations, and doing so is arbitrary

and violates Articles 14 and 16 of the Constitution of India. Reliance is placed on ***Triloki Nath Khosa***'s case (supra), which held that persons drawn from different sources who are integrated into one class can validly be classified for promotion on the basis of educational qualification. Applying this principle, since persons in the same cadre can be classified on the basis of educational qualification, denying promotional opportunities to those lacking the requisite qualification cannot be said to be unconstitutional. However, 2011 Rules, prescribe a higher qualification (degree) for the lower cadre of Assistant Engineer while permitting a lower qualification (diploma) for the higher cadre of Assistant Executive Engineer, which is unconstitutional.

24. It is further contended that the State Government, vide its Circular dated 06.07.2020, had directed that 2011 Rules be amended every three years and that educational qualifications prescribed for direct recruitment should ordinarily also apply for promotion. Despite the Circular mandating revision every three years, 2011 Rules have not been amended to date. The 2011 Rules

suffer from a further infirmity that Assistant Executive Engineer is a Group A post, Assistant Engineer is Group B, and Junior Engineer is Group C, however, the 2011 Rules permit a Group C employee (Junior Engineer) to be directly promoted to a Group A post (Assistant Executive Engineer), bypassing the intermediate Group B cadre altogether. This is without rational basis and unjustly deprives eligible and qualified Assistant Engineers of their right to be considered for promotion. Reliance is also placed on ***P.U. Joshi's case*** (supra), which held that prescribing classification and recruitment conditions falls primarily within the domain of the rule-making authority and must be upheld, if based on a reasonable basis. In the instant case, eligible Assistant Engineers are denied their 25% share of promotional opportunities in the Civil cadre, and this Court therefore has the power to adjudicate the present dispute.

25. Shri. M.S. Bhagwath, learned Senior Counsel places reliance on the following decisions:-

- ***State of Himachal Pradesh and Others v. Raj Kumar and Others*** reported in **(2023) 3 SCC 773**;

- ***B.S. Mahabaleshwara and Others v. The State of Karnataka and Others*** passed in ***Writ Petition No.14366 of 2008 (S-KAT) and Connected Matters*** by order dated **19.06.2012;**
- ***M.S. Ramesh and Others v. State of Karnataka and Others*** passed in ***Civil Appeal No.7561 of 2023*** by order dated **11.01.2024;**
- ***K. Narayanan and Others v. State of Karnataka and Others*** reported in ***1994 Supp (1) SCC 44;***
- ***Director, Central Rice Research Institution, Cuttack and Another v. Khetra Mohan Das*** reported in ***1994 Supp (3) SCC 595;***
- ***Shakuntala Sharma (Mrs.) v. High Court of H.P. at Shimla and Another*** reported in ***(1994) 2 SCC 411;*** and
- ***Joaquim I.M. Dias v. R.S. Revonkar and Others*** reported in ***1989 SCC OnLine Bom 248.***

26. Shri. Vigneshwar S. Shastri, learned Senior Counsel appearing for respondent No.3 in Writ Appeal 942/2023, contends that no person in the Assistant Engineer (Civil) cadre ranks higher in seniority than the writ petitioner in W.P.No.2236/2023, and therefore she ought to have been considered before the Junior Engineers (Civil). To promote the said private appellants while bypassing the writ

petitioner would defeat the very object of the seniority list and discourage qualified persons from public employment. Therefore, the writ petitioner was liable to be promoted.

27. Shri. Anoop Haranahalli, learned counsel appearing for the respondent No.1 in W.A.No.1038/2023, raises similar contentions as the learned counsels appearing for the private respondents herein. It is contended that the cadres of Assistant Engineer and Junior Engineer are distinct and the experience of a diploma-holding Junior Engineer cannot be equated with that of a degree-holding Assistant Engineer for the purpose of filling the higher promotional post. It is further contended that in comparable service rules governing similar cadres, promotion to the cadre of Assistant Executive Engineer is through the feeder cadre of Assistant Engineer. The post of Junior Engineer is subordinate to Assistant Engineer in the cadre hierarchy and permitting a Junior Engineer to be promoted to the post of Assistant Executive Engineer is to treat unequals as equals which defeats the legitimate promotional expectation of the Assistant Engineers.

28. We have considered the contentions advanced and the pleadings and the extensive materials on record. We have also given our anxious consideration to the reasoning of the learned Single Judge and referred to the precedents relied on by the learned counsel appearing on all sides.

29. The learned Single Judge found that the central question for consideration was whether post of Junior Engineer is a feeder cadre to the promotion to the post of Assistant Executive Engineer or not?

30. However, on consideration of the contentions placed on record and the pleadings, we are of the opinion that the questions which actually require consideration in these batch of cases are as follows:-

- (i) Can there be a promotion from a particular post (Junior Engineer in this case) to a higher post in the hierarchy (Assistant Executive Engineer), skipping an intermediary post (Assistant Engineer)?
- (ii) Whether there can be two feeder categories having different qualification and different scales

of pay and classification for appointment to a higher post?

(iii) Is the Rule under challenge bad in law?

31. The learned Single Judge has relied on the definition of promotion as provided in Rule 2(t) of the 2011 Rules. Rule 2(t) of the 2011 Rules reads as follows:

"(t) 'Promotion' means appointment of an officer or employee from a post or grade of service or class of service to a higher post or higher grade of service or higher class of service."

The learned Single Judge held that this definition shows a clear legislative intent that promotion must proceed from the immediate feeder cadre to the next higher post. The learned Single Judge, relying on the decision in ***T. Aruna and Others v. Secretary, A.P. Public Service Commission*** reported in ***(2001) 9 SCC 54*** and ***Mangi Lal v. State of Rajasthan*** reported in ***(2007) 9 SCC 189***, went on to hold that promotion can be provided only from one post in the feeder category to the next higher post and not to any other still higher post in the hierarchy of posts. Relying on ***S.K. Singh's*** case (supra), it was held that there can be no

absolute equality between persons belonging to two different posts for promotion to a still higher post.

32. It is essential for us to advert to the concept of promotion in service jurisprudence. The celebrated Author, Shri. Samaraditya Pal in his book "Law Relating to Public Service" (4th Edition, 2021), defines 'promotion' as *"Promotion, in the context of the law relating to service, means advancing or raising an employee to a higher office or rank or post than the one the employee was holding or to a higher scale of pay than the one the employee was enjoying immediately before such promotion."* Further, the Apex Court in **Tarsem Singh v. State of Punjab** reported in **(1994) 5 SCC 392**, held that under service law jurisprudence, "promotion" means advancement in rank, grade or both and is always a step towards advancement to a higher position, grade or honour. Therefore, promotion is advancement in position from a lower post to a higher post in the service hierarchy. A reading of Rule 2(t) of the 2011 Rules would only show that the concept of promotion being progression of an employee from a lower post to a higher

post in the hierarchy is emphasised therein. There is nothing in the Rule which can be read to mean that there can be no progression from a feeder category to a higher post, without being appointed or promoted to an intermediate post. As such, we are of the opinion that the finding of the learned Single Judge that promotion could only be to next higher post is not supported by law or by anything stated in Rule 2(t) of the 2011 Rules.

33. The contention raised by the learned Senior Counsel appearing for the party respondents is to the effect that the rule that includes the post of Junior Engineers as a feeder category along with Assistant Engineers, (which is a higher category post carrying higher scale of pay) is illegal and arbitrary. It is contended that equating unequals equally amounts to discrimination. Much reliance is placed on the judgment of the Division Bench of this Court in ***B.S. Mahabaleshwara***'s case (supra) which is affirmed by the Apex Court. It is contended that the post of Assistant Engineer and Junior Engineer are in different categories, the nature of their duties are different, qualifications are

different and therefore the rules equate different cadres equally, which is not reasonable.

34. The decisions relied on are authority on the point that there can be valid differentiation on the basis of different qualifications. However, we see no prohibition in any of the decisions that there cannot be two prescribed qualifications, one higher and one lower, for one post. We also find no proposition in any of the decisions that a Diploma holder and a Degree holder cannot be eligible for appointment to the post of Assistant Executive Engineer. In the instant case, as noticed above, the 2011 Rules specifically provide that the Junior Engineers would be eligible for promotion to the post of Assistant Executive Engineers only after completing a longer period, that is, five years in the feeder category, while Assistant Engineers will be so eligible for promotion on completing three years of service. Further, the quota prescribed in the 2011 Rules would ensure that only 25% of the posts of Assistant Executive Engineers can be filled up from Junior Engineers, while the rest of the posts are to be filled up by promoting

Assistant Engineers, who have completed three years in service.

35. The learned Additional Advocate General would contend that the question of deciding the feeder categories, quotas for promotion and qualifications, fall completely within the realm of the rule-making authority and the Constitutional Courts cannot interfere with this exercise, unless there is a clear illegality in the said exercise. In the instant case, it is contended that the rule-making authority has taken an informed decision to include both the posts of Junior Engineers as well as Assistant Engineers in the feeder category for promotion to the post of Assistant Executive Engineer. It is contended that this is a decision taken after due consultations with the service organisations and in the interest of a proper administration of the Municipalities. The nature of the duties and responsibilities of the posts in the service and the nature of the work expected from the members of the service being matters which are clearly known to the rule-making authority, it would be for the rule-making authority to take appropriate decisions as to what

the qualifications for appointment to the post are to be, and what feeder categories have to be included. It is submitted that once such an exercise is made by the rule-making authority unless there is demonstrable arbitrariness or illegality in the Rules so framed, the Court could not have interfered in the exercise of the executive power by the rule-making authority.

36. In ***Triloki Nath Khosa***'s case (supra), the Apex Court held that when a party seeks to impeach the validity of the rule made by a competent authority on the ground that the rules offend Article 14 of the Constitution of India, the burden is on him to plead and prove the infirmity. There is always a presumption in favour of constitutionality of enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principle. A rule cannot be struck down as discriminatory on any *a priori* reasoning. Further, it was held that classification is primarily for the legislature or for the statutory authority charged with the duty of framing the terms and conditions of service and if looked at from the

standpoint of the authority making it, the classification is found to rest on a reasonable basis, it has to be upheld.

37. Further, in **T.R. Kothandaraman's** case (supra), the Apex Court held as under:-

"21. The validity of aforesaid Rule 2(b), which has prescribed the ratio of 3:2 for direct recruits and promotees — the former being degree-holders and latter diploma-holders — is challenged as violative of the guarantee of quality embodied in Article 16. The counsel for the respondents has, inter alia, drawn our attention to the fact that this differentiation is ancient as mentioned in the counter-affidavit filed by the State, a part of which has been quoted at pages 13 to 16 of SLP (C) No. 10645 of 1989. A perusal of the same shows that the degree-holder Assistant Engineers were designated as Assistant Engineer (Agriculture Engineering) and given gazetted status, whereas diploma-holders were denied the same. This apart, the degree-holders were given higher scale of pay. The affidavit further shows that the post of Executive Engineer (Agricultural Engineering) calls for higher skill, administration, planning and evolving of proposals and drafting. In these aspects most of the diploma-holders were found lacking. It has been mentioned in this affidavit that the degree-holders had studied for six years at college level after leaving school stage, whereas diploma-holders have only three years' study at the level of Institute of Technology after school stage. Because of this, higher technical calibre in degree-holders is presumed. Insofar as the common seniority list is concerned, the

submission in the counter-affidavit is that the same "did not allow (sic) to give preference in promoting graduates to the level of Assistant Executive Engineer (Agricultural Engineering) in the department". The further averment is that in other departments where separate lists were being maintained, ratio adopted was 3:1, whereas in the department at hand ratio of 3:2 was recommended taking into account large number of diploma-holders.

22. *The aforesaid shows that higher educational qualification has relevance insofar as the holding of higher promotional post is concerned, in view of the nature of the functions and duties attached to that post. The classification has, therefore, nexus with the object to be achieved. This apart, history also supports the differentiation sought to be made by the rule in question. We, therefore, uphold the classification as valid.*

24. *In the present cases the ratio is 3:2 and we regard the same as reasonable in view of what has been stated above relating to adoption of this ratio. Having felt satisfied about the permissibility of the classification also, the cases challenging the constitutionality of the quota for promotion as fixed in this service have to be dismissed."*

38. Further, it is a settled proposition of law that chances of promotion would not constitute conditions of service and mere alteration of chances of promotion would not be a ground for invalidating an otherwise valid

prescription of rules or conditions of service by a Competent Authority.

39. In **P.U. Joshi's** case (supra), the Apex Court clearly held at paragraph No.10, as follows:-

"10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and

cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service."

(emphasis supplied)

40. In ***Union of India v. Pushpa Rani*** reported in **(2008) 9 SCC 242**, the Apex Court held that the Court cannot sit in appeal over the employer's judgment, determine the methodology of recruitment or the criteria of selection, or direct the manner in which the cadres should be structured or restructured, unless the action of the employer is arbitrary or *mala fide*. Paragraph No.37 of the judgment is extracted below:-

"37. Before parting with this aspect of the case, we consider it necessary to reiterate the settled legal position that matters relating to creation and abolition of posts, formation and structuring/restructuring of cadres, prescribing the source/mode of recruitment and qualifications, criteria of selection, evaluation of service

records of the employees fall within the exclusive domain of the employer. What steps should be taken for improving efficiency of the administration is also the preserve of the employer. The power of judicial review can be exercised in such matters only if it is shown that the action of the employer is contrary to any constitutional or statutory provision or is patently arbitrary or is vitiated due to mala fides. The court cannot sit in appeal over the judgment of the employer and ordain that a particular post be filled by direct recruitment or promotion or by transfer. The court has no role in determining the methodology of recruitment or laying down the criteria of selection. It is also not open to the court to make comparative evaluation of the merit of the candidates. The court cannot suggest the manner in which the employer should structure or restructure the cadres for the purpose of improving efficiency of administration."

(emphasis supplied)

41. This position was affirmed in the case of **State of Gujarat v. Arvindkumar T. Tiwari** reported in **(2012) 9 SCC 545**. Further, in **Zahoor Ahmad Rather v. Imtiyaz Ahmad** reported in **2018 SCC OnLine SC 2680**, the Apex Court held that the State as employer is entitled to prescribe the qualifications as a condition of eligibility and the Courts exercising judicial review are not to expand the ambit of the

prescribed qualifications, or determine the equivalence of a qualification. The relevant paragraphs are extracted below:-

"26. *We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596] in the subsequent decision in Anita [State of Punjab v. Anita, (2015) 2 SCC 170] . The decision in Jyoti K.K. turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The decision in Jyoti K.K. turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification.*

x x x x x

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the

functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti K.K. must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti K.K. turned."

(emphasis supplied)

42. Further, in **Chandravathi P.K. and Others v. C.K. Saji and Others** reported in **(2004) 3 SCC 734**, the Apex Court held that the State as an employer is entitled to fix separate quota of promotion for degree holders, diploma holders and certificate holders separately in exercise of its rule making power under Article 309 of the Constitution of India and such a rule is not unconstitutional.

43. Reliance is also placed on the decision of the Division Bench of the Madras High Court in ***C. Vijaya Baskar and Others v. Government of Tamil Nadu Rep. by its Secretary Rural Development and Panchayat Raj Department and Another*** reported in **2023 SCC OnLine Mad 5573**, where, it was held that the Constitutional Courts, in exercise of judicial review, would not readily interfere with policy decisions taken by the State unless, it is satisfied that the rule-making authority has acted arbitrarily, unreasonably or in such a capricious manner so as to erode upon the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. It was therefore, held that the inclusion of Junior Engineers and Assistant Engineers in the feeder category for promotion to the post of Assistant Executive Engineer with a ratio of 6:2 or 3:1, is not an illegal exercise. It was further held that administrative authorities are in the best position to decide the requisite qualifications for promotion to the post of Assistant Executive Engineer and it is not for the Constitutional Courts to sit over their decisions like a Court

of Appeal. The power of judicial review can be exercised only if the state action is contrary to the constitutional law statutory provisions or is vitiated by mala fides and/or is arbitrary.

44. Though the learned counsel appearing for the respondents have placed reliance on the decision of a co-equal bench of this Court in ***B.S. Mahabaleshwara***'s case (supra), we notice that the essential question considered in the said decision was with regard to an amalgamation of three cadres of unequal posts into the feeder category, that is, providing for 33-1/3rd % of posts of Principal Grade II by direct recruitment, 33-1/3rd % by promotion from the cadre of Training Officers and 33-1/3rd % from transfer from the three cadres, that is, Training Officers, Assistant Training Officers and Junior Training Officers. This Court had found that the inclusion of three categories of posts which had different scales of pay, qualifications as well as duties and responsibilities to one consolidated quota in the feeder category, amounted to treating unequals equally. It was noticed that there was no quota specifically set out for the

different posts and unequal posts were treated equally within the 33-1/3rd % quota. The facts and the law being completely different, the ratio would have no application in the instant case. In the instant case, the only question to be considered is whether the fixing of two feeder categories with separate quotas and separate qualifying service for promotion to the post of Assistant Executive Engineer is bad in law or not.

45. Having considered all the contentions advanced, we are of the opinion that the learned Single Judge was not justified in holding that there was any illegality or arbitrariness in the fixation of two different feeder categories for promotion to the post of Assistant Executive Engineer. This is more so, in view of the fact that the higher post has been given a higher quota for appointment with a lower period of qualifying service in the feeder category. We find that no grounds have been made out for a successful challenge to the rules. Since the prescription of the qualification and the determination of the feeder category, being in the realm of the executive power of the State,

without a clear pleading and finding on illegality, it could not have been interfered with. We find that the learned Single Judge has erred in this exercise. The appeals therefore succeed.

46. In the result:-

- (i) The Writ Appeals are ***allowed***.
- (ii) The judgment dated 10.07.2023 passed in W.P.No.1575/2023 (S-RES) and Order dated 17.07.2023 passed in W.P.No.10290/2023 by the learned Single Judge are set aside.
- (iii) The writ petitions filed challenging the 2011 Rules shall stand dismissed.
- (iv) However, in case, the writ petitioners have any contentions with regard to implementation of 2011 Rules, they are free to make representations before the respondent, who shall consider them in accordance with law. It is also made clear that promotions can be carried out in accordance with the 2011 Rules.

All pending interlocutory applications shall stand
disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*