



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 6842 OF 2022 (S-RES)

BETWEEN:

SRI PRADEEP R.,
S/O LATE RAMACHANDRAIAH
AGED 47 YEARS
PRESENTLY WORKING AS
SENIOR LAB ASSISTANT,
KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY
BANGALORE

PRESENTLY R/AT
NO 998, 4TH MAIN, 2ND STAGE,
D BLOCK, RAJAJINAGAR
BANGALORE – 560 010

...PETITIONER

(BY SRI. PRITHVEESH M. K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPT. OF PERSONNEL
AND ADMINISTRATIVE REFORMS
VIDHANA SOUDHA
BANGALORE – 560 001
2. THE STATE OF KARNATAKA
REP BY ITS SECRETARY
DEPT. OF ANIMAL
HUSBANDRY AND FISHERIES
VIKAS SOUDHA
BANGALORE – 560 001



3. KARNATAKA VETERINARY
ANIMAL AND FISHERIES
SCIENCES UNIVERSITY
REP. BY ITS VICE CHANCELLOR
NANDHINAGAR, PB NO.6,
BIDAR – 585 401
4. KARNATAKA VETERINARY ANIMAL AND
FISHERIES SCIENCES UNIVERSITY
REP. BY ITS REGISTRAR
NANDHINAGAR, PB NO 6
BIDAR – 585 401

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1 & R2;
SRI. J. PRASHANTH, ADVOCATE FOR R3 & R4)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTION
QUASHING THE IMPUGNED ENDORSEMENT NO.REG/LEARNED
COUNSEL/PR/2021-22/189-I DATED 01.02.2022 PASSED BY THE R3
VIDE ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

- “1) *Call for records and issue a writ, order or direction in
the nature of Certiorari quashing the impugned
No.Reg/LEARNED COUNSEL/PR/2021-22/189-I
dated 01.02.2022 passed by the third respondent vide
Annexure-A;*
- 2) *Direct the third respondent to consider promoting the
petitioner to the post of Assistant from 23.05.2011 in*



the Karnataka Veterinary, Animal & Fisheries Sciences University, in accordance with the directions passed by this Hon'ble High court of Karnataka at Bengaluru.

- 3) *Issue such other writ, order of direction as this Hon'ble Court may deem fit in the facts and circumstances of the case to secure the ends of justice."*

2. Heard learned counsel for the petitioner, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent Nos.3 and 4 and perused the material on record.

3. A perusal of the material on record will indicate that in the earlier round of litigation, petitioner approached this Court in W.P.No.319/2021, which was allowed and disposed of vide final order dated 13.07.2021 as hereunder:

"The petitioner in this writ petition seeks for the following prayers:

*"1. call for records and issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 23/10/2020 passed by the third respondent vide Annexure - A; ಸಂಖ್ಯೆ: ಕುಸ. : ಕಪಪಮಿವಿವಿ : ಶ್ರೀ.ಪ್ರದೀಪ್ ಆರ್. :
ವೃಂದ ಬದಲಾವಣೆ : 2020-21/2183*

2. direct the third respondent to consider promoting the petitioner to the post of Assistant from 23/05/2011 in the Karnataka Veterinary, Animal & Fisheries Sciences University;



3. Issue such other writ, order of direction as this Hon'ble Court may deem fit in the facts and circumstances of the case to secure the ends of justice."

2. Brief facts of the case leading to the filing of the petition as borne out from the pleadings are as follows: Father of the petitioner who was working as an Assistant Professor in the Karnataka Veterinary Animal & Fisheries Sciences University (hereinafter referred to as the 'University' for short) and after working for about 25 years died in harness. Petitioner was appointed on the death of his father on compassionate grounds on 12.05.1997 to the post of Messenger. Subsequent to his appointment, the graph of education of the petitioner went upwards by acquisition of higher qualification of Bachelor of Engineering and a Master's Degree in English (M.A.English). On acquisition of such qualification, the petitioner gave plethora of representations seeking change of cadre to that of an Assistant or Senior Assistant since the petitioner was in the Ministerial line and wanted to come over to the Administrative line.

3. The result of the representations was placing the petitioner as Laboratory Assistant from that of Messenger and later, on his own accord granting of promotion to the post of Senior Laboratory Assistant. The petitioner is presently working in the cadre of Senior Laboratory Assistant.

4. Heard Sri.Sandesh.J.Chouta, learned Senior Counsel appearing for petitioner, Smt.M.C.Nagashree, learned Additional Government Advocate representing



respondent Nos.1 and 2 - State and Sri.H.N.Shashidhara, learned counsel appearing for respondent Nos.3 and 4- University.

5. Learned Senior Counsel appearing for petitioner would submit that when the petitioner was appointed as a Messenger the need for appointment was paramount as the loss of bread winner had driven the family to penury and it is in that light the petitioner accepted the said appointment and presently he is holding a Bachelor of Engineering degree and a post graduation M.A.-English, has all the qualifications to be considered for appointment to the post of Assistant by way of change of cadre and would submit that this request for change of cadre is registered with the University right from 2006, which the respondents-University turns it down on 23.10.2020.

6. Per-contra Sri.H.N.Shashidhara, learned counsel appearing for the respondents-University would submit that the Rules pertaining to change of cadre would not permit the petitioner to change his cadre from a ministerial cadre to an administrative one, as the petitioner was appointed as a Messenger and is continuing in the higher echelons of the said stream and is now presently working as Senior Laboratory Assistant and would submit that the petitioner has no right to seek that he should hold a particular post in the University.

7. Learned Additional Government Advocate would also toe the lines of the learned counsel appearing for the University.



8. I have given my anxious consideration to the submissions made by the learned counsel appearing for the respective parties and have perused the material on record.

9. The facts are not in dispute. The petitioner was appointed on 12.05.1997 as a Messenger on compassionate grounds owing to the death of his father who was working as an Assistant Professor in the respondents-University rendering 25 years of service to the University. After the appointment of the petitioner as Messenger, the petitioner acquired higher qualification of Bachelor of Engineering and has also further acquired a post graduate degree (M.A.-English) and owing to acquisition of the said qualifications, the petitioner began to submit his representations from the year 2006 seeking change of cadre to that of Assistant or any other equivalent grade, so that he would be more useful to the University where his acquired professional acumen could be put into use.

10. It is not in dispute that the University itself has considered identical cases and permitted change of cadre in not one but three instances which are found at Annexures K, L, M and N dated 10.01.2013, 11.03.2013, 4.11.2008 and 25.03.2017 respectively. Therefore, the petitioner who has all along been seeking/requesting change to a suitable cadre in the administration line should have been considered by the University.

11. Change of cadre to Senior Assistant that the petitioner seeks cannot be acceded to, as the post of Senior Assistant is required to be filled up only by promotion in



terms of the Cadre and Recruitment Rules. The posts which can be filled up by promotion cannot be bartered by a change of cadre contrary to the Rules. Therefore, the petitioner who also claims to be qualified with all the qualification that is needed for direct recruitment to the post of Assistant can be considered as the post of Assistant is to be filled up only by direct recruitment under the Rules.

12. The qualification that is depicted in the Cadre and Recruitment Rules insofar as the appointment to the post of Assistant is concerned is only a degree by a recognized University or equivalent qualification and the petitioner does have the qualification as is required for Assistant. The other qualification that is needed is a Certificate in Computer Operation of not less than six months, which also the petitioner possesses. The respondents do not dispute the possession of all the aforesaid qualification by the petitioner. Therefore, the respondents can consider the case of the petitioner for a change of cadre to be placed in the cadre of Assistant.

13. It is also germane to notice that the petitioner has all along been allotted the administrative work notwithstanding the fact that he was working as Senior Laboratory Assistant as is evident from Annexures T, V, W, X and Y, which fact is also not disputed by the learned counsel appearing for the respondents.

14. Learned Senior Counsel appearing for petitioner would further submit with regard to inability of the petitioner to perform his duties in the laboratory as working in the place



for the last 24 years has affected his lungs to a large extent and has indicated this to the respondents by way of medical certificates. This fact is also not disputed by the respondents.

15. Therefore, on a totality of circumstances narrated hereinabove, it would be well within the respondents - University to consider the case of the petitioner for according change of cadre to that of an Assistant as a one off solution to a one off situation by passing appropriate orders in accordance with law, as expeditiously as possible, at any rate within six months from the date of receipt of copy of the order.

Writ Petition stands disposed of."

4. As can be seen from the aforesaid order passed by this Court, the respondent No.2 - University was directed to consider the case of the petitioner for according change of cadre to Senior Assistant instead of a Senior Lab Assistant as one of solution to one of situation. It is the grievance of the petitioner that despite the aforesaid order passed by this Court having attained finality and become conclusive and binding upon the respondents, the respondents once again rejected the request of the petitioner for change of cadre from Senior Lab Assistant to Senior Assistant on the administrative side by passing the impugned endorsement



at Annexure- A dated 01.02.2022, which is assailed in the present petition.

5. Per contra, learned counsel for the respondents submits that there is no merit in the petition and the same is liable to be dismissed.

6. Before averting to the rival contentions, it would be necessary to extract the impugned endorsement at Annexure – A, which reads as under:

**“KARNATAKA VETERINARY, ANIMAL & FISHERIES
SCIENCES UNIVERSITY,
Nandi Nagar, PB No.6, Bidar – 585 401, Karnataka**

OFFICER OF THE REGISTRAR

Phone : 08482-245241

Fax : 08482-245360

Web: www.kvafsu.kar.nic.in

NO.Reg/LEARNED COUNSEL/P.R./2021-22/189-I

Dt: 01.02.2022

ENDORSEMENT

Sub:- Order of the Hon'ble High Court of Karnataka
Bangalore, dated: 13.07.2021 W.P.No.319 of 2021 (S-
RES).

Ref:- 1. Request letter of Sri Pradeep R. dated:
05.08.2021.
2. Proceedings of the 99th Board of Management
meeting held on dated: 08.10.2021.
3. Approval of the Vice-Chancellor dated:
01.02.2022



The Hon'ble High Court of Karnataka by its order dated: 13.07.2021 in W.P.No.319/2021 (S-RES) directed the University to consider your request for change of cadre from Senior Laboratory Assistant to Senior Assistant dated 31.08.2020. The same was examined and matter was placed before the 99th Board of Management meeting held on 08.10.2021 at Veterinary College, Bangalore and accordingly this Endorsement is issued for the following reasons.

Sri Pradeep R. has been appointed as Messenger in the year 1997 on compensatory ground on the basis of educational qualification of SSLC and Sri Pradeep R has been promoted from Messenger to attender, again he was promoted from the post of Laboratory Assistant to Senior Laboratory Assistant on dated 31.05.2019 within a span of about 24 to 25 years he was promoted thrice and got maximum promotional benefit by the College/University. That for considering change of cadre from Senior Laboratory Assistant to Senior Assistant as per the cadre and recruitment rules of service personnel of the University for Assistant post is by direct recruitment and senior assistant post is on the basis of promotion from the cadre of Assistant.

That if change of cadre is provided to Pradeep R there is sufferance of shortage of staff in Laboratory for conducting practical classes for the students, it may cause problem for completion of the syllabus as per the direction of Veterinary Council of India. That, if change of cadre is provided there is problem in academic discipline and



Therefore, as per the Cadre & Recruitment Rules it is not possible to provide change of cadre. That nature of work in Laboratory is different from nature of work of post of Senior Assistant. That Pradeep R is incapable and inexperience for promotion post of Senior Assistant, it is a ministerial work different from work in Laboratory. Therefore, not possible to provide change of cadre.

That if change of cadre is provided there is shortage of staff in laboratories on the basis of this there is possibility of derecognizing the college by the Veterinary Council of India due to shortage of staff.

The educational qualifications earned by the Pradeep R is not in accordance with law. Pradeep R has not obtained the permission to persue the education and his qualifications are not helpful to nature of work of Laboratory. Therefore, these qualifications are not concerned to University it is material that Pradeep R was appointed in the year 1997 at the entry point his qualification is SSLC on the basis of SSLC he was appointed as messenger in entry point.

This matter was placed before the 99th meeting of Board of Management of the University dated: 08.10.2021 held at Hebbal Campus, Bangalore, discussed in depth and unanimously resolved it is not possible to give the change of cadre in view of approved various service personal posts by VCI for conducting practical classes for the students which may come in the way of academic discipline. It was also noted that there is no provision in the C&R rules of KVAFSU, Bidar.



Therefore it is not possible to provide the change of cadre in the interest of administration of the University and whole interest of the University.

Hence, I am hereby directed to inform you that your request vide ref(1), is not considered for change of cadre in the interest of academics of students and administration of the University.

*Sd/-
REGISTRAR"*

7. As can be seen from the impugned endorsement, the same is contrary to the directions issued by this Court in the earlier round of litigation where this Court has come to the categorical conclusion that on account of health grounds, notwithstanding the fact that there is no specific provision in the Cadre and Recruitment Rules of the respondent - University, it was directed to change the cadre of the petitioner from Senior Lab Assistant to Senior Assistant having regard to the health grounds pleaded, proved and accepted by this Court.

8. Under these circumstances, I am of the considered opinion that the impugned endorsement being contrary to the specific findings, observations and directions issued by this Court



in W.P.No.319/2021, the impugned endorsement deserves to be quashed and necessary directions to be issued to the respondents to change the cadre of the petitioner from Senior Laboratory Assistant to Laboratory Assistant within a stipulated time frame.

9. A perusal of the impugned endorsement will also indicate that the respondent has contented and has stated that there was shortage of staff in the laboratories on the basis of which the respondents were constrained to continue the petitioner as Senior Laboratory Assistant and change of the cadre was not permissible on this ground. In this context, it is pertinent to note that this Court in the earlier round of litigation in W.P.No.319/2021 has already recorded a finding that it was not possible for the petitioner to continue to work as a Senior Lab Assistant on account of health grounds, which would be detrimental to his overall health and consequently, the said reason assigned by the respondents cannot be accepted.

10. A perusal of the Cadre and Recruitment Rules will also indicate that at Sl.No.20, the category of post and scale of pay of a Senior Assistant is as under:



20	Senior Assistant Rs.10000-18150	By promotion on the basis of seniority cum fitness from the cadre of Assistant in the University	<u>FOR PROMOTION</u> (a) Must be holder of a decree from a recognized University established by law. (b) Must have put in a minimum of 5 years of service as Assistant. (c) Must have passed General Law Part I & II and Accounts Higher. (d) Must produce a record of good service.
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11. So also the category of post and scale of pay of Senior Laboratory Assistant is as under:

23	Senior Laboratory Assistant Rs.10000-18150	By promotion on the basis of seniority cum fitness from the cadre of Laboratory Assistant in the University	<u>FOR PROMOTION</u> (a) Must have a minimum of 5 years or more experience in the University as Lab Assistant. (b) Must produce a record of good service.
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12. A perusal of the aforesaid category of post and scale of pay of both Senior Assistant and Senior Lab Assistant belong to the same cadre and change of post will not affect the rights of anyone else having regard to the equivalence in the cadre and salary of the post of a Senior Assistant and the post of a Senior



Laboratory Assistant and as such, even this contention urged by the respondents cannot be accepted.

13. Under the aforesaid facts and circumstances of the case, I deem it just and appropriate to allow the petition by issuing certain directions. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) The impugned endorsement dated 01.02.2022 passed by respondent No.3 at Annexure - A is hereby quashed.
- iii) Respondents are directed to change the cadre of the petitioner from the post of Senior Lab Assistant to Senior Assistant on the administrative side and permit the petitioner to work as a Senior Assistant on the administrative side together with all consequential benefits by passing appropriate orders within a period of two months from the date of receipt of copy of this order.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**