



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

WRIT PETITION NO.7165 OF 2026 (EDN-RES)

C/W

WRIT PETITION NO.9176 OF 2026

IN WP No.7165/2026

BETWEEN:

THE KARNATAKA STATE ASSOCIATION OF
THE MANAGEMENT OF NURSING AND
ALLIED HEALTH SCIENCE INSTITUTIONS
HAVING ITS REGD. OFFICE AT:
NO.7380, DADAPEER LAYOUT,
NH-4, NELAMANGALA,
BENGALURU - 562 123.
REP. BY ITS PRESIDENT
DR. S. SHIVAKUMAR.

...PETITIONER

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SRI. T. KRISHNA, ADVOCATE)

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HEALTH AND
MEDICAL EDUCATION,
M.S. BUILDING,
BENGALURU - 560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE VICE CHANCELLOR
THE RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,



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4TH 'T' BLOCK, JAYANAGAR,
BENGALURU - 560 011.

3. THE RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU - 560 011.
REP. BY ITS REGISTRAR.
4. DR. NANDEESH J.,
NO.200, 1ST CROSS,
CANARA BANK COLONY,
NAGARABHAVI MAIN ROAD,
BENGALURU.
5. DR. VINUTHA RAO
NO.2075, PRESTIGE ROYALE GARDENS
AVALAHALLI,
DODDABALLAPUR ROAD,
YELAHANKA,
BENGALURU.
6. DR. SANKANGOUDA PATIL
PRINCIPAL,
RAJASHEKARAIHAH INSTITUTE OF
AYURVEDA MEDICAL SCIENCES
AND HOSPITAL,
SOLUR,
RAMANAGARA DISTRICT.
7. DR. G. MANJUNATH GOWDA
NO 91/2, 11TH MAIN ROAD,
KAMAKSHIPALYA,
VRUSHABHAVATHINAGAR,
BENGALURU.
8. DR. SRINIVAS L.D.
NO.2009/163, 17TH MAIN,
5TH CROSS, 3RD STAGE,
TARALABALU EXTENSION,
DAVANAGERE.



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9. DR. ANOOP NAIR
NO.284/31 VAISHNAV NILAYA,
SHIVPURA, BAGLUR CROSS,
YELANANKA,
BENGALURU.
10. DR. SUDHARSHAN
SHREE SRINIVASA SAUBHAGYA SADANA,
NO.1768, 8TH CROSS, 6TH MAIN,
R.P.C. LAYOUT,
VIJAYANAGAR 2ND STAGE
BENGALURU.
11. DR. VEERESH KARABASAPPA HANCHINAL
MANDRE LAYOUT,
ABHINAVA NAGAR,
KALASAPUR RING ROAD,
NEAR LIONS SCHOOL GROUND,
GADAG.
12. DR. ARAVIND KATTI
CIB COLONY, PLOT NO.412,
BEHIND CENTRAL BUS STAND,
KALABURGI.
13. SMT. VAISHALI SREEJITH
NO. 3-177/1(1), VAIJNATH KRUPA,
GANDHI NAGAR, KAVOOR,
MANGALURU.
14. SRI. SANTOSH SUBHAS INDI
SUBHAS NILAYA, NO.34,
KALIKA NAGAR, NEAR ASHRAM,
VIJAYAPURA.
15. SRI. MELBIN MICHAEL AEACKAL
NANDANAM HOUSE, S-689,
BEL 2ND STAGE, BHARATH NAGAR,
MAGADI ROAD,
BENGALURU.



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16. DR. NAVEEN S.
NO.12, 11TH MAIN ROAD,
RAGHAVENDRA SWAMY MUTT,
JAYANAGAR 5TH BLOCK,
BENGALURU.
17. DR. MAHENDRA S.
NO.1380/B, 10TH MAIN,
8TH CROSS, JUDICIAL LAYOUT,
G.K.V.K. POST, YELAHANKA,
BENGALURU.
18. DR. SHASHI KUMAR H.C.
FLAT NO.3022,
SOBHA VALLEY VIEW, V LEGECY ROAD,
HOSAKEREHALLI,
R.R. NAGAR,
BENGALURU.
19. DR. KONARADDI J.B.
NO.106, 1ST FLOOR,
RAINBOW WATERFRONT APARTMENT,
UTTARAHALLI MAIN ROAD,
OPP. UTTARAHALLI LAKE,
BENGALURU.
20. MAHENDRA M.
NO.332, MAHA SARO VARA,
RAMAMURTHY NAGAR MAIN ROAD,
KALKERE,
BENGALURU.
21. BHARATH ANCHE
NO.934, SRI. VENKATESHWARA NILAYA,
KOTE KADUR,
CHIKKAMAGALURU.
22. DR. UMMED RAM
S/O MOHAN LAL,
AGED ABOUT 45 YEARS,
R/AT NO.07, 1ST MAIN ROAD,



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ASHWATH NAGAR,
SANJAYNAGAR, BENGALURU NORTH,
P.O. R.M.V. EXTENSION, II STAGE,
BENGALURU-560094

23. DR. K.C. SHASHIDHARA
C/O MANJULA VASUDEVA,
AGED ABOUT 54 YEAR,
R/AT NO.446, 1ST CROSS,
6TH MAIN, 'G' AND 'H' BLOCK,
RAMAKRISHNA NAGAR, MYSORE,
J.T. EXTENSION,
MYSURU - 570 023.

...RESPONDENTS

(BY SMT. SUKANYA BALIGA B., AGA FOR R1;
SRI. M.S. DEVARAJU, ADVOCATE FOR R2 AND R3;
SRI. P.P. HEGDE, SENIOR COUNSEL FOR
SRI. RAJARAM S., ADVOCATE FOR R4 TO R21;
SRI. NITHIN A.M., ADVOCATE FOR R22 AND R23)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT RESPONDENT NO.1-STATE GOVERNMENT, DEPARTMENT OF HEALTH AND MEDICAL EDUCATION, TO RECOMMEND TO RESPONDENT NO.3-UNIVERSITY IN TERMS OF PROVISIO TO SECTION 45(6) OF THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES ACT TO GRANT PERMANENT AFFILIATION TO THE INSTITUTIONS WHICH HAVE BEEN AFFILIATED CONTINUOUSLY FOR A PERIOD NOT LESS THAN FIVE YEARS; AND ETC.

IN WP No.9176/2026

BETWEEN:

1. DR. NANDEESH J.
S/O JAYARAMU K.,
AGED ABOUT 53 YEARS,
NO.200, 1ST CROSS,
CANARA BANK COLONY,
NAGARBHAVI MAIN ROAD,
BENGALURU - 560 072.



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2. DR. SANKANGOUDA PATIL
S/O MAHESHWARAGOUDA,
AGED ABOUT 43 YEARS,
PRINCIPAL,
RAJASHEKARAIHAH INSTITUTE OF AYURVEDA
MEDICAL SCIENCES AND HOSPITAL,
SOLUR,
RAMANGARA DISTRICT - 562 127.
3. DR. G. MANJUNATH GOWDA
S/O K. GOPALAIHAH,
AGED ABOUT 27 YEARS,
NO.91/2, 11TH MAIN ROAD,
KAMAKSHIPALYA,
VRUSHABHAVATHINAGAR,
BENGALURU - 577 005.
4. DR. SRINIVAS L.D.
S/O SHANTHAMMA T.R.,
AGED ABOUT 47 YEARS,
NO.2009/163, 17TH MAIN, 5TH CROSS,
3RD STAGE, TARALABALU EXTENSION,
DAVANAGERE - 577 005.
5. DR. ANOOP NAIR
S/O S.K. NAIR,
AGED ABOUT 65 YEARS,
NO.284/31, VAISHNAV NILAYA,
SHIVAPURA, BAGALUR CROSS,
YELAHANKA,
BENGALURU - 560 064.
6. DR. SUDHARSHAN
S/O HANUMANTH,
AGED ABOUT 47 YEARS,
SHREE SRINIVASA SAUBHAGYA SADANA,
NO.1768, 8TH CROSS, 6TH MAIN,
R.P.C LAYOUT, VIJAYANAGAR 2ND STAGE,
BENGALURU - 560 104.



7. DR. ARAVIND KATTI
S/O SIDRAM KATTI,
AGED ABOUT 42 YEARS,
CIB COLONY, PLOT NO.412,
BEHIND CENTRAL BUS STAND,
KALABURGI - 585 103.
8. SRI. SANTHOSH SUBHAS INDI
S/O SUBHAS INDI,
AGED ABOUT 40 YEARS,
SUBHAS NILAYA,
NO.34, KALIKA NAGAR, NEAR ASHRAM,
VIJAYAPURA - 586 103.
9. DR. MAHENDRA S.
S/O M. SHIVANNA,
AGED ABOUT 48 YEARS,
NO.1380/B, 10TH MAIN, 8TH CROSS,
JUDICIAL LAYOUT, GKVK POST,
YELAHANKA,
BENGALURU - 560 065.
10. DR. SHASHI KUMAR H.C.
C/O CHANNAVEERAPPA,
AGED ABOUT 48 YEARS,
FLAT NO.3022, SOBHA VALLEY VIEW,
V LEGECY ROAD, HOSAKEREHALLI,
R.R. NAGAR,
BENGALURU - 560 098.
11. DR. KONAREDDI J.B.
C/O BHEEMARADDI G. KONARADDI,
AGED ABOUT 48 YEARS,
NO.106, 1ST FLOOR,
RAINBOW WATERFRONT APARTMENT,
UTTARAHALLI MAIN RAOD,
OPP. UTTARAHALLI LAKE,
BENGALURU - 560 061.
12. MAHENDRA M.
S/O MADESH S.,
AGED ABOUT 38 YEARS,



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R/AT NO.332, MAHA SARO VARA,
RAMAMURTHY NAGAR MAIN ROAD,
KALKERE,
BEGNALURU - 560 016.

13. BHARATH ANCHE T.R.
S/O RAJANNA T.L.,
AGED ABOUT 40 YEARS,
NO.934, SRI VENKATESHWARA NILAYA,
KOTE KADUR,
CHIKKAMAGALURU - 577 140.
14. DR. VINUTHA RAO
C/O SUDHIR R. RAO,
AGED ABOUT 41 YEARS,
NO.2075, PRESTIGE ROYALE GARDENRS,
AVALAHALLI, DODDABALLAPUR ROAD,
YELAHANKA,
BENGALURU.
15. SRI. MELBIN MICHAEL AEACKAL
S/O MICHAEL A.F.,
AGED ABOUT 39 YEARS,
NANDANAM HOUSE, S-689,
B.E.L. 2ND STAGE, BHARATH NAGAR,
MAGADI ROAD,
BENGALURU.
16. DR. NAVEEN S.
S/O S.M. SHIVAPPA,
AGED ABOUT 56 YEARS,
NO.12, 11TH MAIN ROAD,
RAGHAVENDRA SWAMY MUTT,
JAYANAGAR 5TH BLOCK,
BENGALURU.
17. SMT. VAISHALAI SREEJITH
W/O SREEJITH,
AGED ABOUT 42 YEARS,
NO.3-177/1(1), VAIJANTH KRUPA,



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GANDHI NAGAR, KAVOOR,
MANGALURU.

...PETITIONERS

(BY SRI. P.P. HEGDE, SENIOR COUNSEL FOR
SRI. RAJARAMA S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HEALTH AND
MEDICINE EDUCATION
M.S. BUILDING,
BENGALURU - 560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE VICE CHANCELLOR
THE RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU - 560 001.
3. THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU - 560 001
REP. BY ITS REGISTRAR.
4. THE KARNATAKA STATE ASSOCIATION OF
THE MANAGEMENT OF NURSING AND ALLIED
HEALTH SCIENCE INSTITUTIONS
HAVING ITS REGD. OFFICE AT: NO.7380,
DADAPEER LAYOUT, NH-4, NELAMANGALA,
BENGALURU - 562 123.
REP. BY ITS PRESIDENT
DR. S. SHIVAKUMAR.

...RESPONDENTS

(BY SMT. SUKANYA BALIGA B., AGA FOR R1;
SMT. MAMATHA KULKARNI, ADVOCATE FOR R2 AND R3;
SRI. UDAYA HOLLA, SENIOR COUNSEL FOR
SRI. T. KRISHNA, ADVOCATE FOR R4)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE DECISION/RESOLUTION IN TERMS OF LETTER DATED 30TH DECEMBER, 2024 OF 194TH SYNDICATE (SPECIAL) SYNDICATE MEETING HELD ON 24TH DECEMBER, 2024 PASSED BY RESPONDENTS 2 AND 3 VIDE ANNEXURE-A.

THESE WRIT PETITIONS HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT, THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

CAV ORDER

Writ Petition No.7165 of 2026 is filed by the Karnataka State Association of the Management of Nursing and Allied Health Science Institutions (for short, hereinafter referred to as '*Petitioner-Association*') seeking direction to the respondent No.1-Government to recommend the respondent No.3-University to grant permanent affiliation to the institutions which have been affiliated continuously for a period of more than five years in terms of Proviso to Section 45(6) of the Rajiv Gandhi University of Health Sciences Act, 1994 (for short, hereinafter referred to as '*RGUHS Act*'). The petitioner-Association also sought for direction to the respondent No.1-Government to consider the representation dated 04th December, 2026 (Annexure-E) to amend the provisions of the RGUHS Act; *inter alia* sought for a direction to the respondent



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No.2-University to conduct inspection for continuation of affiliation for the Academic Year 2026-27 onwards in terms of decision taken in Subject 194/IX(1) of 194th (Special) Syndicate Meeting held on 24th December, 2024 as per letter dated 30th December, 2024 (Annexure-D).

2. Writ Petition No.9176 of 2026 is filed by the petitioners claim to be a Members of the Senate of the respondent No.3-University, challenging the decision taken in respect of Subject 194/IX(1) of 194th (Special) Syndicate Meeting held on 24th December, 2024 as per letter dated 30th December, 2024 (Annexure-A).

3. The facts in nutshell for the purpose of adjudication of Writ Petition No.7165 of 2026 are as follows:

3.1. The petitioner-Association challenged the action of the respondent No.3-University in appointing the Senate Members as the Chairman of the Local Inspection Committee (LIC) for the purpose of inspection of institutions affiliated to the respondent No.3-University for grant of continuation of affiliation for the Academic Year 2026-27 as the same is contrary to RGUHS Act and the statues framed thereunder as



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well as to the decision arrived at the 194th Syndicate Meeting of the respondent No.3-University held on 24th December, 2024.

3.2. It is further averred in writ petition that, as per Section 45(6) of the RGUHS Act, provision has been made to grant permanent affiliation to an institutions which were affiliated continuously for a period not less than five years by fulfilling all the conditions of affiliation and have attained the academic and administrative standards prescribed by the respondent No.3-University. It is further stated that, Section 47(2) of the RGUHS Act authorises the Syndicate to inspect every such colleges from time to time, however, it does not specify for every year, to conduct the inspection for the purpose of continuation of affiliation. Therefore, it is the contention of the petitioner-Association that, the respondent No.3-University having been inspecting each of the institutions, though it is not provided in the RGUHS Act, to carryout such inspection every year and that apart, the statute cannot override the law and as such, the statute was silent as to who should be the competent person under Section 47 of the RGUHS Act for the purpose of inspection of the grant of fresh



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affiliation and continuation of affiliation. Therefore, it is contended by the petitioner-Association that the respondent No.3-University shall conduct inspection for continuation of affiliation for the Academic year 2026-27 as per the decision taken in 194th (Special) Syndicate Meeting of the respondent No.3-University held on 24th December, 2024 (Annexure-D). Hence, this petition is filed by the petitioner-Association.

4. The facts for adjudication of Writ Petition No.9176 of 2026 are as follows:

4.1. It is the case of petitioners that the petitioners are the Members of the Senate of the respondent No.3-University having power to review the policies of the respondent No.3-University from time to time and to suggest measures for improvement and development of the respondent-University. It is stated in the petition that the petitioners who are the members of the Senate of the respondent No.3-University are being aggrieved by the decision taken in the 194th (Special) Syndicate Meeting held on 24th December, 2024 for excluding them for conducting inspection as to continuation of affiliation of the institutions.



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4.2. It is the specific case of the petitioners that the Syndicate while deciding and passing the impugned decision/resolution have not obtained the assent of the Senate as required under Sections 23 and 34 of the RGUHS Act and though the Senate got power to make, amend or repeal statutes as required under Section 23(2)(iii) of the RGUHS Act. Therefore, petitioners contended that any decision/resolution by any Committee without the confirmation by the Senate in the meeting has no legal effect as per Section 62 of the RGUHS Act and as such, the case of the petitioners is that, excluding the members of the Senate from Local Inspection Committee as to take decision on the continuation of affiliation is bad in law. Therefore, this petition is filed by members of the Senate of the respondent No.3-University seeking interference of this Court to quash the impugned decision taken in 194th Syndicate (Special) Meeting held on 24th December, 2024.

5. Heard Sri. Uday Holla, learned Senior Counsel on behalf of Sri. T. Krishna, appearing for the petitioner-Association in WP No.7165 of 2026 and respondent No.4 in WP No.9176 of 2026; Sri. P.P. Hegde, learned Senior Counsel on



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behalf of Sri. Rajaram S., appearing for respondents 4 to 21 in WP No.7165 of 2026 and petitioners in WP No.9176 of 2026; Smt. Sukanya Baliga B., learned Additional Government Advocate appearing for the respondent No.1-Government; Sri. M.S. Devaraju, learned counsel appearing for respondents 2 and 3 in WP No.7165 of 2026; Smt. Mamatha Kulkarni, learned counsel appearing for respondents 2 and 3 in WP No.9167 of 2026; and Sri. Nithin A.M., learned counsel appearing for respondents 22 and 23 in Writ Petition No.7165 of 2026.

6. For the sake of convenience, the parties in these petitions are referred to as per their ranking in Writ Petition No.7165 of 2026.

7. Sri. Uday Holla, learned Senior Counsel appearing for the petitioner-Association contended that, Section 45(6) of the RGUHS Act provides for grant of permanent affiliation to institutions which were affiliated continuously for more than five years and fulfill all the conditions of affiliation. In this regard, he refers to proviso to Section 45(6) of the RGUHS Act and contended that the respondent-University has issued an erroneous order appointing the Senate Members as the



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Chairman of the Local Inspection Committee and therefore, the said letter issued by the respondent No.2 is contrary to decision taken in 194th (Special) Syndicate Meeting of the respondent No.3-University held on 24th December, 2024.

8. Nextly, it is contended by learned Senior Counsel Sri. Udaya Holla, appearing for the petitioner-Association that, as per the decision of the Syndicate Meeting dated 24th December, 2024, it was decided that, for continuation of affiliation to the respective colleges, a Team of Experts shall be constituted and such Team should not be either from Senate, Academic Council and concerned Faculty. Learned Senior Counsel further submits that, ignoring the decision of the Syndicate Meeting dated 24th December, 2024, the respondent No.2-University had issued the letter appointing the Senate Members as Chairman of the Local Inspection Committee. It is the categorical arguments of learned Senior Counsel appearing for the petitioner-Association that the Senate Members can be a part of the Local Inspection Committee for inspection of fresh colleges only and not in respect of continuation of affiliation of the colleges and therefore, the said aspect of the matter was



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ignored by the respondent No.2 while issuing the impugned letter and thereby included the Senate Members as a part of Local Inspection Committee for continuation of affiliation for the colleges. Accordingly, learned Senior Counsel sought for interference of this Court.

9. Learned Senior Counsel Sri. Uday Holla, appearing for the petitioner-Association, further, contended that the respondent-University framed statutes. Statute 1.1 to 1.35 sets out the powers and responsibilities of the Senate. In this regard, learned Senior Counsel contended that, there is no provision in the statute conferring power on the Senate regarding the affiliation and inspection of the Colleges. On the other hand, learned Senior Counsel contended that, Statute 2.1(2) specifies that the Syndicate shall have power regarding affiliation and inspection of colleges and registration of graduates. Referring to the facts of the case, it is contended by learned Senior Counsel that the inspection proposed by the respondent-University was for continuation of affiliation and not for fresh affiliation and therefore, the Statute empowers only the Syndicate to decide as to who should conduct the



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inspection of the college. Accordingly, learned Senior Counsel submits that the decision of the respondent No.2-University in its Communication dated 25th February, 2026 (Annexure-F) is contrary to Statute. Accordingly, learned Senior Counsel appearing for the petitioner-Association, sought for interference of this Court.

10. Sri. P.P. Hegde, learned Senior Counsel appearing for respondent-Members of the Senate submits that the impugned Resolution passed by the respondent-University excluding the Senate Members to be a part of the Local Inspection Committee to conduct inspection of the colleges for grant of continuation of affiliation is contrary to the RGUHS Act. It is contended by learned Senior Counsel Sri. P.P. Hegde that the Syndicate of the respondent-University has no sanctity to pass such resolution as the Senate alone being a legislative body shall have power to institute and confer degrees, recommendation of the Syndicate to confer Honorary Doctorate or other Academic distinctions. It is also argued by learned Senior Counsel Sri. P.P. Hegde that, since from the year-1996, the Senate Members were the part of the Local Inspection



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Committee, however, in view of the decision taken in 194th (Special) Syndicate Meeting held on 24th December, 2024 in terms letter dated 30th December, 2024, power of the Senate Members to inspect the colleges being a members of the Local Inspection Committee has been curtailed, which is arbitrary and violative of the RGUHS Act.

11. Referring to the earlier 186th Syndicate Meeting, learned Senior Counsel Sri. P.P. Hegde submits that the resolution has been passed to appoint three members of Local Inspection Committee Team including the Senate Members and therefore, the new 194th Meeting of the Syndicate, allowing the Senate Members only for the fresh colleges and thereby excluding for the renewal of affiliation of the colleges is contrary to RGUHS Act. Learned Senior Counsel appearing for respondent-Senate Members further contended that the Senate being a legislative body, shall authorise a syndicate to appoint such members of the Local Inspection Committee and without there being such authorisation by the Senate, the Syndicate has no power to pass such Resolution like 194th Syndicate Meeting. Therefore, while inviting the attention of the Court to



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Section 23 of the RGUHS Act, particularly to Section 23(2)(iii), it is contended by learned Senior Counsel Sri. P.P. Hegde that the Senate has power to make, amend or repeal statutes and therefore, pointed out about the deficiency in the impugned decision/resolution.

12. It is further submitted by learned Senior Counsel Sri. P.P. Hegde that the petitioner-Association cannot seek a relief from this Court to direct the respondent-University to amend a statute/rules/act, which is in the domain of legislative body and therefore, sought for dismissal of the petition filed by the petitioner-Association.

13. It is also argued by learned Senior Counsel Sri. P.P. Hegde that the averments made in the representation dated 04th February, 2026 by the petitioner-Association cannot be accepted as the petitioner-Association has sought for amending the statute, which cannot be accepted by this Court. Accordingly, he sought for dismissal of the petition filed by the petitioner-Association.

14. Per contra, Sri. M.S. Devaraj and Smt. Mamatha Kulkarni, learned counsel appearing for respondent-University



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submits that, there is no mandatory provision in the statute as to who should be the member of Local Inspection Committee to conduct inspection before granting an order for continuation of affiliation to the colleges. It is argued that, in the absence of such provision in the statute, the Syndicate by exercising power under Statute No.2.21 has passed the impugned Resolution in the 194th Syndicate Meeting held on 24th December, 2024. It is also argued by learned counsel appearing for the respondent-University that the impugned Resolution was passed during the year-2024 and has been acted upon by the concerned during the previous Academic year while conducting inspection and therefore, the resolution has to be considered as valid and legal.

15. It is also argued by learned counsel appearing for the respondent-University that, no statutory rules have been violated while passing the impugned resolution. By referring to Section 45(6) of the RGUHS Act, learned counsel appearing for the respondent-University argued that the said provision is discretionary. It is also argued that, the provisions of the RGUHS Act do not expressly ousting the Senate members to



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the inspection by the Local Inspection Committee as to continuation of affiliation to the respective colleges. Accordingly, sought for dismissal of the petition.

16. Sri. Nithin A.M., learned counsel appearing for respondents 22 and 23 invited the attention of the Court to the legal opinion of the Law Officer of the respondent-University and argued that the anomaly caused as to discrepancy between the Senate and the Syndicate is on account of the absence of express provision in the RGUHS Act to exclude the Senate Members and therefore, sought for interference of this Court.

17. Smt. Sukanya Baliga B., learned Additional Government Advocate appearing for the respondent No.1-State argued in the lines of respondent-University.

18. In the light for submission made by learned counsel appearing for the parties, on careful consideration of prayer made in both the petitions, the interpretation of the subject 194/IX(1) in 194th (Special) Syndicate Meeting held on 24th December, 2024 as per the letter dated 30th December, 2024 issued by the respondent-University is to be considered in these petitions. The scheme of the RGUHS Act provides for



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establishing the colleges for the purpose of ensuring proper and systematic instructions, teaching, training and research in modern medicine and Indian systems of medicines in the State of Karnataka. Section 2(a) of the RGUHS Act provides for definition of 'Affiliated College'. Section 2(k) of the above act provides for definition of 'Statutes', 'Ordinances' and 'Rules' made under the RGUHS Act. Section 21 of the RGUHS Act provides for definition of 'The Senate'. Section 23 of the RGUHS Act reads as under:

23. Powers and functions of the Senate .-

- (1) *The Senate shall have power to review from time to time the policies of the University and to suggest measures for the improvement and development of the University and to consider and pass resolutions on the annual accounts and audit reports of the University.*
- (2) *Save as otherwise expressly provided in this Act the Senate shall have the powers,-*
 - (i) *to institute and confer degrees, diplomas and other academic distinctions;*
 - (ii) *to confer, on the recommendation of the Syndicate, honorary degrees or other academic distinctions;*
 - (iii) *to make, amend or repeal Statutes;*



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- (iv) *to consider the financial estimates prepared by the Syndicate and pass resolutions thereon;*
- (v) *to confer on the recommendation of the Syndicate the title of Professor of Meritus;*
- (vi) *to exercise such other powers and perform such other duties as may be conferred by the Statutes, Ordinances and Rules.*

(emphasis supplied)

19. Perusal of the aforementioned provision under Section 23 of the RGUHS Act , makes it clear that the Senate is a legislative body to formulate policies of the University and have power to make, amend or repeal statute.

20. Section 24 of the RGUHS Act provides for composition of the Syndicate. Section 25 of the RGUHS Act provides for powers and functions of the Syndicate, which is a principal executive body of the University. The aforementioned aspect would makes it clear that the Senate under Section 21 of the RGUHS Act is having an enormous power to legislate, amend or modify the rules of the Statute. Section 33 of the RGUHS Act provides for functioning of the University which is subject to the provisions of the RGUHS Act. Section 33(g) of the Act empowers the statute to provide for conditions of affiliation of colleges or withdrawing the same. Perusal of



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Section 34 of the RGUHS Act provides for formulation of the statute or amend and repeal the existing statute. Section 34(2) of the Act makes it clear that the every statute passed by the Senate shall require the approval of the State Government and the assent of the Chancellor. Section 35 of the RGUHS Act provides for the promulgation of Ordinance by the Syndicate. Section 45 provides for affiliation of colleges and Section 45(2) of the Act empowers the syndicate to conduct an enquiry by competent person and after enquiry, consideration of report by the Local Inspection Committee. In furtherance of the same, after obtaining the opinion of the Academic council, the decision as to grant or refusal of the affiliation has to be considered. However, the entire exercise has to be approved by the Government so as to take ultimate decision in the matter. It is also to be considered that, as per Section 45(7) of the RGUHS Act, the Senate is having power to take decision in the matter concerning the affiliation of the College.

21. In the light of the submission made by learned Senior Counsel appearing for the parties, the statute referred to by learned Senior Counsel Sri. Uday Holla, appearing for the



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petitioner-Association in WP No.7165 of 2026 shall conform and within the ambit of the power to be exercised by the Senate. It is also to be noted that, Section 33 has to be read along with Section 23 of the RGUHS Act, wherein the plenary power is vested with the Senate, as the Senate is empowered to take decision on the policy matters of the respondent-University including the fiscal aspect. Section 23(2)(iii) of the RGUHS Act empowers the Senate to make, amend or repeal statutes. Hence, any resolution passed under the Statute by the Syndicate must conform to the power to be exercised by the Senate under the RGUHS Act and therefore, I find force in the submission made by learned Senior Counsel Sri. P.P. Hegde, appearing for petitioners in Writ Petition No.9176 of 2026.

22. Though the several grounds have been urged by learned Senior Counsel representing the parties as to the impugned decision taken in 194th Special Syndicate Meeting held on 24th December, 2024 in terms of letter dated 30th December, 2024, the decision taken by the Syndicate to exclude the Members of the Senate while conducting Local Inspection by the competent body consisting of experts,



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excluding the Senate members is bad in law. It is to be noted that the intention of the Syndicate to exclude the members of the Senate as per the decision/resolution in term of letter dated 30th December, 2024 has to be read down to include the members of the Senate being a legislative body for looking after the affairs of the respondent-University. Therefore, by looking into the provisions contained under the RGUHS Act, and further, without the Report of an inspection by the enquiry committee, the affiliation of college cannot be continued or modified, so also withdrawn. In this regard, it is a mandatory on the part of the Syndicate to constitute a Local Inspection Committee consisting of each one member from the Senate, Academic Council and consult faculty before taking decision to grant or not to grant affiliation so also, for continuation of affiliation is concerned.

23. Therefore, the decision/resolution taken in 194th (Special) Syndicate Meeting held on 24th December, 2024 in terms of letter dated 30th December, 2024, excluding the Senate Members from Local Inspection Committee for continuation of affiliation is bad in law as the Nominee of the



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Senate Members is very much required in a Local Inspection Committee for affiliation of fresh colleges as well as for continuation of affiliation.

24. It is also to be noted that, even for continuation of affiliation is concerned, the Members in the Local Inspection Committee have to verify the entire records pertaining to the various requirements under the RGUHS Act and even, if there is any lacuna in compliance of the mandatory provisions under the RGUHS Act, it is the duty of Local Inspection Committee to withdraw the affiliation of the College concerned. Therefore, even for continuation of affiliation, entire procedure as to grant affiliation of fresh college, has to be followed by the Local Inspection Committee. In that view of the matter, excluding the Member of the Senate would affect the foundation for decision making process as to grant or otherwise as to affiliation. Therefore, I find force in the submission made by learned Senior Counsel Sri. P.P. Hegde, appearing for petitioners in WP No.9176 of 2026.

25. Insofar as the arguments advanced by learned Senior Counsel Sri. Uday Holla, appearing for the petitioner-



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Association as to representation at Annexure-E, I have carefully examined the representation dated 04th February, 2026 (Annexure-E) addressed by the petitioner-Association, wherein, the petitioner-Association has sought for a direction to the respondent-University to amend the Principal Act, which cannot be accepted since the legislative body of the respondent-University is the sole authority to take decision in the matter as to make law, amend or modify any existing law. Therefore, this Court, shall not direct the legislative wing of the respondent-University to make an amendment to the Act in terms of the claim made by the petitioner-Association in its representation dated 04th February, 2026.

26. It is well settled principle in law that, while exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot direct the legislature to enact law on a particular subject in a particular manner. The Hon'ble Supreme Court in the case of **UNION OF INDIA AND OTHERS vs. K. PUSHPAVANAM AND OTHER** reported in (2023) 20 SCC 736 at paragraph 13 held as follows:



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"12. The law regarding power of the writ court to issue a mandate to the legislature to legislate is well settled. No Constitutional Court can issue a writ of mandamus to a legislature to enact a law on a particular subject in a particular manner. The Court may, at the highest, record its opinion or recommendation on the necessity of either amending the existing law or coming out with a new law. The law has been laid down in this behalf in several decisions including a decision of this Court in the case of Supreme Court Employees' Welfare Association v. Union of India & Anr. and State of Jammu and Kashmir v. A.R. Zakki and others. The only exception is where the Court finds that unless a rule making power is exercised, the legislation cannot be effectively implemented."

27. It is also to be noted that, Section 34 of the RGUHS

Act provides as under:

"34. Statutes, how made.-

(1) The Senate may from time to time, either on its own motion or on the submission of the Syndicate, make new Statutes or amend and repeal existing ones.

(2) Every Statute passed by the Senate shall be sent to the State Government for submission to the Chancellor for assent. The State Government shall transmit the Statutes along with its comments to the Chancellor within three months of the date on which it received the Statutes from the University. The Chancellor may within one month of the date of receipt of the Statutes from the Government give or withhold his assent thereto or refer it to the Senate for further consideration.



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(3) No Statutes passed by the Senate shall have validity until assented to by the Chancellor and it shall come into force on the date of its publication in the Official Gazette or such other date as the Chancellor may fix."

28. Perusal of the aforementioned provision makes it clear that, for amending or repealing the statute, the Syndicate shall submit its proposal to the Senate and the Senate alone has the power to give assent and thereafter, such resolution along with the recommendation of the Senate shall be placed before the State Government for assent. In that view of the matter, as per the Statute No.34 of the Statutes, any Resolution by any Committee shall not become final unless the same is confirmed by the Senate in the meeting. Therefore, the impugned decision/resolution of the 194th (Special) Syndicate Meeting, excluding the Senate members for the Local Inspection Committee insofar as continuation of affiliation of the college is contrary to law. In the result, I pass the following:

ORDER

- i) Writ Petition No.7165 of 2026 ***dismissed;***
- ii) Writ Petition No.9176 of 2026 ***allowed;***



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- iii) Impugned decision taken in 194th (Special) Syndicate Meeting held on 24th December, 2024 in terms of letter dated 30th December, 2024 by the respondent-University is hereby quashed insofar as excluding the members of the Senate as a part of Local Inspection Committee for grant of continuation of affiliation of colleges is concerned.
- iii) The decision taken by the Syndicate of the respondent-University in derogation of the observation made above, excluding the Senate Members in respect of continuation of affiliation, if any, shall stand quashed.

SD/-
(E.S. INDIRESH)
JUDGE

ARK
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