



CNR: KAHC010242382025

NC: 2026:KHC:37900
WP No. 10983 of 2025
C/W WP No. 11033 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 10983 OF 2025 (S-RES)

C/W

WRIT PETITION NO. 11033 OF 2025 (S-RES)

IN WP No. 10983/2025

BETWEEN:

DR. T. D. GOVINDARAJU,
AGED ABOUT 65 YEARS,
S/O. LATE DEVEGOWDA,
MEDICAL OFFICER,
ART PLUS CENTER,
K.R. HOSPITAL,
MYSORE MEDICAL COLLEGE AND
RESEARCH INSTITUTE,
MYSORE - 570 001.

...PETITIONER

(BY SRI. M.R.NAGABHUSHAN., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE,
NO.105, 1ST FLOOR,

Digitally signed
by KIRAN
KUMAR R
Location: HIGH
COURT OF
KARNATAKA



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VIKASA SOUDHA,
BANGALORE - 560 001.

2. THE PROJECT DIRECTOR,
KARNATAKA STATE AIDS,
PREVENTION SOCIETY,
AROGYA SOUDHA,
4TH FLOOR, EAST WING,
LEPROSY HOSPITAL COMPOUND,
BANGALORE - 560 023.
3. THE DISTRICT PROGRAM OFFICER,
DISTRICT AIDS PREVENTION
AND CONTROL UNIT,
MYSORE DISTRICT - 560 001.
4. THE MEDICAL SUPERINTENDENT
ART CENTER, K.R. HOSPITAL,
MYSORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE,
MYSORE DISTRICT - 570 001.

...RESPONDENTS

(BY SRI.G.RAMESH NAIK, AGA FOR R1 - R4;
SRI.CHANDRAKANTH R GOULAY, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
PUBLICATION DATED 01.04.2025 ISSUED BY THE 3RD
RESPONDENT AT ANNEXURE-C, UNDER THE FACTS AND
CIRCUMSTANCES OF THE CASE AND ETC.,



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IN WP NO. 11033/2025

BETWEEN:

1. DR. SHIVANNA. M,
AGED ABOUT 64 YEARS,
S/O. LATE MARIGOWDA,
SENIOR MEDICAL OFFICER,
ART PLUS CENTER,
K.R. HOSPITAL,
MYSORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE,
MYSORE - 570 001.

...PETITIONER

(BY SRI. M R NAGABHUSHAN., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE,
NO.105, 1ST FLOOR,
VIKASA SOUDHA,
BANGALORE - 560 001.
2. THE PROJECT DIRECTOR,
KARNATAKA STATE AIDS,
PREVENTION SOCIETY,
"AROGYA SOUDHA", 4TH FLOOR,
EAST WING, LEPROSY HOSPITAL COMPOUND,
BANGALORE - 560 023.
3. THE DISTRICT PROGRAM OFFICER,
DISTRICT AIDS PREVENTION



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AND CONTROL UNIT,
MYSORE DISTRICT - 560 001.

4. THE MEDICAL SUPERINTENDENT
ART CENTER, K.R. HOSPITAL,
MYSORE MEDICAL COLLEGE AND
RESEARCH INSTITUTE,
MYSORE DISTRICT - 570 001.

...RESPONDENTS

(BY SRI.G.RAMESH NAIK, AGA FOR R1 TO R4;
SRI.CHANDRAKANTH R GOULAY, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
PUBLICATION DATED 01.04.2025 ISSUED BY THE 3RD
RESPONDENT AT ANNEXURE-D UNDER THE FACTS AND
CIRCUMSTANCES OF THE CASE AND ETC.,.

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

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

ORAL ORDER

The petitioners filed these writ petitions seeking
following prayer:

In W.P.No.10983/2025:

- 1) *Issue a writ in the nature of certiorari
quashing the publication dated 01.04.2025*



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*issued by the 3rd respondent at Annexure-C,
under the facts and circumstances of the
case,*

- 2) Issue a writ in the nature of mandamus directing the respondents No.1 to 4 to continue the petitioner in the post of "Medical Officer" till completion of 69 age, under the facts and circumstances of the case,*
- 3) Pass any other appropriate order or orders or directions as this Hon'ble Court may deem fit to grant, by considering the facts and circumstances of the case, in the interests of justice.*

In W.P.No.11033/2025:

- 1) Issue a writ in the nature of certiorari quashing the publication dated 01.04.2025 issued By the 3rd respondent at Annexure-D, under the facts and circumstances of the case,*
- 2) Issue a writ in the nature of mandamus directing the respondents No.1 to 4 to continue the petitioner in the post of "Senior Medical Officer" till completion of 69 age, under the facts and circumstances of the case,*
- 3) Pass any other appropriate order or orders or directions as this Hon'ble Court may deem fit to grant, by considering the facts and circumstances of the case, in the interests of justice.*



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

The petitioner in W.P.No.10983/2025, has been selected and appointed as contract basis employee on 09.04.2021 for the post of 'Medical Officer' in the office of respondent No.3. The contract was extended from time to time by renewing the terms of reference every year. Accordingly, the petitioner has been discharging his duty without interruption and his performance was also good. But, all of a sudden without the notice of the petitioner, respondent No.3 has published a publication calling for an interview on 01.04.2025 for the post of Medical Officer, when the petitioner is working in the same post, as such, it is not sustainable. Hence, the said notification issued by respondent No.3 is arbitrary and erroneous. Hence, on these grounds, prays to allow the writ petition.

3. The petitioner in W.P.No.11033/2025, has been selected and appointed as contract basis employee on



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06.07.2024 for the post of 'Senior Medical Officer' in the office of respondent No.3. The contract was extended from time to time by renewing the terms of reference every year. Accordingly, the petitioner has been discharging his duty without interruption and his performance was also good. But, all of a sudden without the notice of the petitioner, respondent No.3 has published a publication calling for an interview on 01.04.2025 for the post of Senior Medical Officer, when the petitioner is working in the same post, as such, it is not sustainable. Hence, the said notification issued by respondent No.3 is arbitrary and erroneous. Hence, on these grounds, prays to allow the writ petition.

4. Heard the learned counsel for the petitioners, and learned counsel for the respondents in both the petitions.

5. Learned counsel for the petitioners in both petitions submits that the petitioners are entitled to



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continue till they attain the age of 69 years. Respondent No. 3 has no right to issue a notification vide Annexure-C in W.P.No.10983/2025 and Annexure-D in W.P.No.11033/2025 calling for an interview for the posts of Medical Officer and Senior Medical Officer. Hence, on these grounds, he prays to allow the writ petitions.

6. *Per contra*, learned counsel for respondent No.3 submits that as per the operational guidelines for art services issued by National AIDS services Control Organization, which clearly discloses that the maximum age limit for filling up of a contractual position has been raised up to 65 years. Admittedly, the petitioners completed 65 years. Hence, the petitioners are not entitled to continue as per the operational guidelines for art services issued by the National AIDS Services Control organization. Hence, the petitions filed by the petitioners have rendered infructuous. Hence, on these grounds, prays to dismiss the writ petitions.



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7. Perused the records, and considered the submissions of the learned counsel to the parties in both the petitions.

8. It is an undisputed fact that the petitioners were appointed as contract basis employees vide appointment letter dated 09.04.2021 and 06.07.2024 respectively. The said contract was for a period of one year. In order to show that the said contract was renewed from time to time, the petitioners have not placed any record. Respondent No.3 issued a notification vide Annexure-C and Annexure-D in both the petitions calling for an interview for the posts of Medical Officer and Senior Medical Officer in respondent's institution. The petitioners filed these writ petitions challenging the said notifications on the ground that the petitioners are entitled to continue till they attain the age of 69 years.

9. I have perused the operational guidelines for art services issued by the National AIDS Control



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Organization. Guideline No. 2.6.2 provides recruitment process for Art Centre staff, which reads as follows:

2.6.2 Recruitment process for ART Centre staff

The ART centres are provided with contractual staff to support day to day functioning of the centres. For these contractual appointments, SACS should give an open advertisement in local newspapers in consultation with the concerned institution. Applications should be received at the institution and should be followed by interview of eligible applicants by the Steering Committee of the concerned institute to select the most suitable candidates. It must be clear that these appointments are not to be made by SACS centrally and it is responsibility of the institution concerned. And since these appointments are to be made by institution, these are not transferable from one centre to another. The day-to-day administrative control of contractual staff lies with the nodal officer and the institution. However the staff is also accountable to the CST in charge at SACS and RC and should respond to the directions/guidance by them from time to time.

A Steering Committee should be constituted at the institution where the ART centre is located. The



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institutional head (Dean/ Superintendent) should head this committee. The Nodal Officer of the ART centre will be the Member Secretary of the steering committee and RC/SACS representative will be special invitee. This committee is the authority to make all contractual appointments/ renewal of contracts for the ART centre.

For the post of SMO/MO, walk-in interview can be conducted on the date specified in the advertisement. For other contractual positions, if the number of applicants for a particular post is more than 10, a written test can be conducted. Aptitude of candidates should be given due weightage in the selection process. The institution shall send the list of selected candidates to the SACS for their information. However, appointment, performance appraisal and contract renewal will be done by the institution every year. All contractual appointment shall be made on yearly basis. A Contractual Service Agreement (CSA) shall be signed between the institution and the concerned staff (Annexure 7).

For contractual staff, an annual appraisal system based on PMDS has been devised based on which continuation should be decided (Annexure 8). Performance based incentives can be given to the



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contractual staff based on existing NACO norms on renewal of the contract. The steering committee can also terminate the appointment at any time with due notice/ salary for notice period if a situation arises for it. The vacancy created due to this should be filled up from either "wait list" of candidates (valid for 1 year) or through a fresh recruitment protocol as mentioned above. The maximum age limit for filling up of contractual positions has been raised to 65 years subject to condition that two attempts for selection of candidates with 62 years age limit fail

The leave entitlement of ART contractual staff (mentioned in the Contractual service agreement is as follows: Annual Leave / Accrued leave: 30 days per annum (2½ days per month) and sick leave 10 days per annum.

To avoid delay in salary disbursement, SACS will send the salaries directly to the account of ART centre staff through e-payment. Hence, the ART centre should send the attendance/leave record of each contractual staff in ART centre to SACS on a monthly basis.



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10. From the perusal of Guideline No. 2.6.2, it clearly discloses that, the Art centres are provided with contractual staff to support day to day functioning of the centres. The said contractual agreement has to be renewed from time to time by the institution every year. The age limit for contractual positions is up to 65 years.

11. Admittedly, the petitioners have completed 65 years. In view of the guidelines issued by the National AIDS Control Organization, the petitioners are not entitled for renewal of their contracts. The respondent No.3 has rightly issued Annexure-C and Annexure-D in both the petitions.

12. Learned counsel for respondent No.3 submits that respondent No.3 has already appointed Dr. Gnyaneshwar K.D and Dr. R.V. Chetan as Medical Officers vide order dated 01.04.2025 and produced the copy of the appointment order of Dr. Gnyaneshwar K.D and Dr. R.V. Chetan. The said fact has not been disputed



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by the petitioners. As respondent No.3 has already appointed the candidates for the post of Medical Officers, in view of the same, nothing survives for consideration in these petitions.

13. Accordingly, the writ petitions are ***dismissed as having rendered infructuous.***

14. Pending IA(s), if any, stands disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SKS