



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**WRIT PETITION NO. 17331 OF 2021 (S-KSAT)**

**BETWEEN:**

1. SRI SIDDALINGESH BEVINAMATTI  
S/O SHIVANAGAPPA  
AGED ABOUT 32 YEARS  
WORKING AS ASSISTANT DIRECTOR GRADE -1  
CHIKKABALLAPUR TALUK  
R/AT NO 3556, 1<sup>ST</sup> CROSS  
SANGAMESHWAR NAGAR  
BYADGI, HAVERI 581 106
2. SRI LAXMAN BABALI  
S/O SIDDAPPA BABALI  
AGED ABOUT 32 YEARS  
WAITING FOR POSTING  
SOCIAL WELFARE DEPARTMENT
3. SRI SUDUGADSIDDAR CHANNABASAPPA  
S/O HANUMANTHAPPA  
AGED ABOUT 36 YEARS  
WORKING AS ASSISTANT DIRECTOR GRADE 1  
(INCHARGE DEPUTY DIRECTOR)  
SOCIAL WELFARE DEPARTMENT  
YADGIRI, YADGIRI DIST

...PETITIONERS

(BY SRI. VIJAYA KUMAR, ADVOCATE)

Digitally signed  
by PANKAJA S  
Location: HIGH  
COURT OF  
KARNATAKA



**AND:**

1. THE STATE OF KARNATAKA  
REPD. BY ITS ADDITIONAL CHIEF SECRETARY  
DEPARTMENT OF PERSONNEL &  
ADMINISTRATIVE REFORMS  
VIDHANA SOUDHA  
BENGALURU-560 001
2. THE STATE OF KARNATAKA  
REPD. BY ITS ADDITIONAL CHIEF SECREATARY  
SOCIAL WELFARE DEPARTMENT  
VIDHANA SOUDHA-560 001
3. THE COMMISSIONER  
SOCIAL WELFARE DEPARTMENT  
M.S BUILDING, DR. AMBEDKARVEEDHI  
BENGALURU 560001
4. THE KARNATAKA PUBLIC SERVICE COMMISSION  
REPD. BY ITS SECRETARY  
UDYOG BHAVAN, PARK HOUSE  
BENGALURU-560 001

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG ALONG WITH  
SRI. HARISHA A.S, AGA FOR R1-R3,  
SRI. K.M. PRAKASH, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF  
THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE  
IMPUGNED ORDER DATED 25.05.2021 PASSED BY THE  
HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT  
BANGALORE IN APPLICATION NO. 6491-6493/2019, ANNEX

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
AND  
HON'BLE MR. JUSTICE RAJESH RAI K



**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

1. Unsuccessful applicants before the Karnataka State Administrative Tribunal at Bangalore (for short 'the Tribunal') are before this Court aggrieved by order dated 25.05.2021 in Application Nos.6491-93/2019, wherein their prayer to quash the Notification dated 10.11.2017 (Annexure-A9) and Notification dated 30.11.2017 (Annexure-A8) by which they are appointed as Assistant Director, Grade-I and their prayer for a direction to appoint them against the post of District Social Welfare Officer or against re-designated post of Deputy Director retrospectively, has been rejected.

2. Brief facts of the case are that, by Notification dated 22.01.2015 of respondent No.4-KPSC, applications were invited to fill up certain posts including the post of District Social Welfare Officer (Social Welfare Department) Group 'A' posts under Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examination) Rules, 1997. In pursuance to the said notification, the petitioners applied for the posts of District Social Welfare Officer. In the meanwhile, the Social Welfare Department was re-organized by the State



Government in terms of Government order dated 13.03.2015 (Annexure-A3) and the post of District Social Welfare Officer was upgraded to the post of Deputy Director and by virtue of reorganization, equivalent post to that of District Social Welfare Officer was Assistant Director Grade-I. The post of District Social Welfare Officer prior to reorganization was in the pay scale of Rs.28,100 - 50,100, whereas on reorganization, a post of Assistant Director Grade-I was equivalent post to District Social Welfare Officer with the pay scale of Rs.28,100 - 50,100. The petitioners were successful in the selection process and final selection list was published on 30.06.2017, wherein the petitioners were selected as District Social Welfare Officer/Assistant Director Grade-I. The petitioners were appointed under Notification dated 10.11.2017 and 30.11.2017 as Assistant Director Grade-I. It is the case of the petitioners that they ought to have been appointed as District Social Welfare Officer or in the upgraded post of Deputy Director, as such, they reported to duty in pursuance to the order of appointment under protest. Thereafter, the petitioners said to have made representation dated 03.10.2018 (Annexure-A11) seeking or requesting to appoint them to the post to which they



had applied in pursuance to the Notification dated 22.01.2015. As there was no response to the said representation, the petitioners approached the Tribunal seeking quashment of the order of appointment dated 10.11.2017 (Annexure-A9) and Notification dated 30.11.2017 (Annexure-A8) and with a prayer to direct the respondents to appoint them as District Social Welfare Officer or against re-designated post of Deputy Director retrospectively from the date of their appointment. The Tribunal, under the impugned order, rejected their prayer. Questioning the said order, the petitioners are before this Court in this writ petition.

3. Heard learned counsel Sri Vijayakumar for the petitioners and learned Addl. Advocate General Sri Reuben Jacob along with learned Addl. Government Advocate Sri Harisha A.S., for the respondents. Perused the entire writ petition papers.

4. Learned counsel Sri Vijayakumar would contend that the petitioners applied for the post of District Social Welfare Officer and they ought to have been appointed to the post of District Social Welfare Officer or to the upgraded post of



Deputy Director, since the post of District Social Welfare Officer is upgraded as Deputy Director. Learned counsel would further submit that, as on the date of calling application, the post of District Social Welfare Officer was in existence and by virtue of executive order i.e., Government Order dated 13.03.2015, the respondents could not have re-organized or re-designated the post. Further, learned counsel would submit that as on the date of appointment of the petitioners in the year 2015 also, the post of Deputy Director was in existence in terms of the existing C & R Rules and as such, they were entitled to be appointed as District Social Welfare Officer/Deputy Director. Learned counsel would also contend that the appointment of the petitioners as Assistant Director Grade-I would amount to appointing the petitioners to a lower post and the same would affect their service condition, as such, the prayer of the petitioners be granted.

5. Learned counsel for the petitioners would further submit that the persons who are working as Taluka Social Welfare Officer by virtue of upgrading the said post as Assistant Director were promoted few months prior to the appointment of



petitioners as Assistant Director Grade-I and those persons have become seniors to the petitioners in the cadre of Assistant Director Grade-I, therefore, he would submit that the petitioners' promotional opportunities have been affected and consequently their service condition is altered. Thus, he would pray for allowing the writ petition.

6. *Per contra*, learned AAG Sri Reuben Jacob would submit that the petitioners are appointed as Assistant Director Grade-I which is equivalent to District Social Welfare Officer. He submits that the District Social Welfare Officer post was carrying the pay scale of Rs.28,100-50,100 prior to its upgradation and the post of Assistant Director Grade-I also carries the same pay scale of Rs.28,100-50,100. Therefore, the petitioners cannot have any grievance since they were appointed to a post which carries an equivalent pay.

7. Learned AAG would further submit that the petitioners had applied for the post of District Social Welfare Officer and in case of abolition of post during the process of recruitment, they could seek appointment to an equivalent post and not to higher post. He submits that District Social Welfare



Officer post was upgraded as Deputy Director/Joint Director of District Social Welfare, as such, the petitioners cannot claim appointment to a higher post.

8. Learned AAG would further submit that the post of District Social Welfare Officer was a Group 'A' Junior scale post and the appointment of petitioners as Assistant Director, Grade-I also belongs to Group 'A' Junior scale. Therefore, the contention that the petitioners are appointed to a lower post cannot be countenanced. Thus, he would pray for dismissal of writ petition.

9. On hearing the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the order passed by the Tribunal, as we do not find any illegality or irregularity in the impugned order of the Tribunal.

10. The recruitment rules relating to third respondent department i.e. Social Welfare Department was earlier governed by the Karnataka General Services Schedule Castes/Schedule Tribes Welfare Branch (Recruitment)



(Amendment) Rules, 2001, wherein the post of Assistant Director/District Social Welfare Officer/Project Coordinator was in existence. Notification dated 22.01.2015 was issued by the fourth respondent – Karnataka Public Service Commissioner (for short, 'KPSC') inviting applications to fill up various posts including that of District Social Welfare Officer (Social Welfare Department) Group-A in accordance with the Karnataka Gazetted Probationers (Through Competitive Examination) Rules, 1997. The petitioners applied in pursuance to the said notification for the post of District Social Welfare Officer, Group-A post. Subsequent to the recruitment notification dated 22.01.2015, the State Government by Government Order dated 13.03.2015 accorded sanction for re-organization of the Social Welfare Department and also for creation of 1537 new posts as well as to upgrade 409 posts in the department. In pursuance to the said Government Order, the post of District Social Welfare Officer was upgraded to the post of Joint Director and Assistant Director Grade-I became equivalent post to District Social Welfare Officer.



11. In terms of the documents filed along with the memo dated 17.06.2026, it is noticed that the pay scale of District Social Welfare Officer prior to re-organization and as on the date of recruitment notification was Rs.28100-50100/-, whereas on re-organization, the post of Assistant Director Grade-I carried the equal pay scale of District Social Welfare Officer i.e. Rs.28100-50100/-. In terms of the recruitment rules prevailing as on the date of Notification of recruitment, the nomenclature of the post was Assistant Director/District Social Welfare Officer/Project Coordinator. The petitioners on their selection were appointed under notification dated 30.11.2017 as well as notification dated 10.11.2017 (Annexures-A8 and A9) as Assistant Director Grade-I. When the petitioners are appointed to the post to which application was called i.e. Assistant Director/District Social Welfare Officer/Project Co-ordinator, the petitioners cannot have any grievance at all. Moreover, the pay scale of Assistant Director/District Social Welfare Officer/Project Coordinator as on the date of inviting application was Rs.28100-50100/- and the petitioners were appointed to the post of Assistant Director carrying the above said pay scale of Rs.28100-50100/-. As contented by learned



counsel for the petitioners, the petitioners are not appointed to a lower post and the petitioners are appointed to the same post to which they had applied or to the equivalent post.

12. The petitioners have approached the Tribunal as well as this Court seeking appointment to a higher post i.e., upgraded post of Joint Director with ulterior motive. When the post of District Social Welfare Officer is upgraded prior to the petitioners' appointment, they would not get any right on the said post. Moreover, upgradation of post need not be with incumbent. Furthermore, the petitioners would acquire right to a post only on their appointment and not prior to that. The contention that the upgradation has taken place under executive order and as such it is bad would not lie in the mouth of the petitioners since under the same executive order the appointment of petitioners to the posts of Assistant Director Grade-I has taken place.

13. The petitioners had applied for the post of Assistant Director/District Social Welfare Officer/Project Co-ordinator which was a Group 'A' junior scale post and petitioners are appointed to the Assistant Director Grade-I, which is also a



Group 'A' Junior Scale post. Therefore, it is not proper for the petitioners to contend that they are appointed to a downgraded post or that it affects their service condition. The Tribunal under impugned order at paragraphs (8) and (9) has assigned sufficient reasons so as to negate the contention of the petitioners.

14. We do not find any merit in the writ petition and accordingly, writ petition stands rejected.

**SD/-**  
**(S.G.PANDIT)**  
**JUDGE**

**SD/-**  
**(RAJESH RAI K)**  
**JUDGE**

HKV  
List No.: 1 SI No.: 22