



CNR: KAHC010304432026

NC: 2026:KHC:44322
WP No. 13559 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 13559 OF 2026 (S-RES)

BETWEEN:

SRI MALLANNA S A
S/O SRI SAMBHULINGAPPA
AGED ABOUT 56 YEARS
PRESENTLY R/AT H/NO. 1/352-A
OPPOSITE DSR APARTMENT
AK GOPALAN COLONY
CHANNASANDRA MAIN ROAD
BANGALORE-560067

PERMANENT RESIDENT OF
NO.144, DIGGAON, CHITTAPUR,
DIGGAON, GULBARGA,
KARNATAKA-58521

...PETITIONER

(BY SMT. ANINDITA CHAKRABORTY., ADVOCATE)

AND:

1. THE REGISTRAR
KARNATAKA STATE OPEN UNIVERSITY
MUKTHAGANGOTRI, MYSORE
PIN- 570 006.
2. STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION,
M.S. BUILDING,

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



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DR.B.R.AMBEDKAR VEEDHI,
BANGALORE- 560 001.
REP. BY ITS ADDITIONAL CHIEF SECRETARY

3. DEPARTMENT OF COLLEGIATE EDUCATION
UNNATHA SHIKSHNA SOUDHA, PALACE ROAD,
BENGALURU- 560 001.
REPRESENTED BY ITS COMMISSIONER

4. GOVERNMENT FIRST GRADE COLLEGE,
KADUGODI, BANGALORE- 560067
REPRESENTED BY ITS PRINCIPAL

...RESPONDENTS

(BY SRI. MANJUNATH B R., ADVOCATE FOR R1; SRI. G
RAMESH NAIK, AGA FOR R2 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RELEVANT RECORDS FROM THE RESPONDENTS, ISSUE A WRIT
IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT
NO.1 TO VERIFY MARKS CARD IN RESPECT OF HIS MBA
DEGREE OBTAINED FROM IT WITH REGISTRATION NUMBER
121952MBA073 DURING THE YEAR 2013-2015 AND ALSO
ISSUE GENUINENESS CERTIFICATE AND SEND THE SAME TO
RESPONDENT NOS.3 AND 4., AND ETC.

THIS PETITION, 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 petitioner filed this writ petition seeking the
following reliefs:



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"(i) Issue a writ in the nature of mandamus directing the respondent No.1 to verify marks card in respect of his MBA Degree obtained from it with Registration No.121952MBA073 during the year 2013-2015 and also issue Genuineness Certificate and send the same to respondent Nos.3 and 4 and;

(ii) Issue a writ in the nature of certiorari to quash the Communication dated 11.02.2026 vide Annexure-D issued by 1st respondent as arbitrary, illegal and not sustainable and;

(iii) Direct the respondent No.3 to allow the petitioner to continue his service in case of his selection as guest faculty in any of the colleges comes under the jurisdiction of respondent No.3 for the academic year 2026-2027 onwards until issuance of Genuineness Certificate by the respondent No.1."

2. The brief facts leading to filing of this writ petition are as follows:

The petitioner completed his B.Sc. degree course from Gulbarga University and was admitted to the Master



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of Business Administration (MBA) course at the first respondent during the academic year 2013-14 through Edurays India, Yelahanka, Bengaluru, which is a collaborative institution of Respondent No. 1 and is situated within the State of Karnataka. The petitioner completed his MBA course during the academic year 2014-15, and respondent No. 1 issued the marks card to the petitioner. On the strength of the marks card issued by respondent No. 1, the petitioner appeared for the Karnataka State Eligibility Test (K-SET) examination conducted on 06.12.2015, which is an examination conducted to determine eligibility for appointment to the post of Lecturer/Assistant Professor. The petitioner successfully cleared the said examination, and no objection was raised regarding the genuineness of the MBA marks card produced by him. The petitioner, being a K-SET-qualified candidate, applied for the post of Guest Lecturer in Government colleges falling within the jurisdiction of respondent No.3. Counselling was conducted



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for selection to the post of Lecturer in various colleges across the State. The petitioner was selected on merit and appointed as a Guest Lecturer. He was allotted to various colleges every year and has been working as a Guest Lecturer in different colleges in the State of Karnataka since the academic year 2017-18.

3. Respondent No.4, vide communication dated 19.01.2026, requested Respondent No. 1 to issue a Genuineness Certificate in respect of the petitioner's MBA course. However, Respondent No. 1, vide communication dated 11.02.2026, declined to issue the Genuineness Certificate on the ground that the petitioner had obtained the degree through an academic collaborative institution, which, according to respondent No. 1, is not permissible under the UGC Guidelines. In view of Annexure-D issued by the respondent No.1, respondent No.4, without following the due process of law has informed the petitioner that he would not be in the position to allow him to continue in his service and orally requested not to take



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classes without giving anything in writing. The petitioner submitted a representation to allow him to take classes and continue his service. There was no response from the respondent No.4.

4. It is contended that, in an identical matter, this Court in W.P.No.2795/2022 has clearly held that the action of the respondent No.1 in not issuing the Genuineness Certificate is bad in law. Hence, on these grounds prays to allow the writ petition.

5. The respondent No.1 filed the statement of objections. The respondent No.1 has raised a preliminary objection regarding the maintainability of this writ petition and also contended that during the year 2007, the then Distance Education Council, which had the authority to grant recognition to conduct various programmes through distance education mode to the Universities in India, has granted provisional recognition initially for a period of one year for the academic year 2007-08 to offer the Degree Programmes approved by the statutory authorities of the



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University and by letter dated 31.08.2007, the Distance Education Council has informed that, it has decided not to insist on a territorial jurisdiction to be followed by the Institutions in offering programmes through distance education mode in this regard. The Universities should be governed by their own Acts and Statutes. Thereafter, during the year 2008, the Distance Education Council has extended its recognition to the Karnataka State Open University for offering various programmes for a period of 5 years, i.e., from 2008 to 2013, subject to certain conditions.

6. It is contended that the University had no nexus to the petitioner/student or Study Centres of the erstwhile academic collaborative institutions since they are totally controlled and monitored by the respective academic collaborative institutions through which they have identified and approved.



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7. It is contended that the Distance Education Council dissolved during May 2013 and has entrusted with the University Grants Commission vide order dated 31.05.2013 and the University Grants Commission vide communication dated 27.06.2013 directed all the Universities to restrict the area of operation within their territorial jurisdiction and has informed that it would not recognize any degrees offered by the universities outside the State of Karnataka and also issued a public notice in the various leading newspapers such as the 'The Hindu' on 12.12.2015 and on 20.04.2016, in 'Deccan Chronicle' on 19.01.2016 and 10.03.2016 about the termination of the Memorandum of Understanding entered into between the University and its Academic Collaborative Institutions/ Study Centres and the respondents have rightly passed the impugned order. Hence, on these grounds prays to dismiss the writ petition.



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8. Heard the learned counsel for the petitioner, learned counsel appearing for the University and learned Government Advocate.

9. Learned counsel for the petitioner submits that the issue involved in this case is squarely covered by the order passed by this Court in the case of **AMARNATH C. vs. KARNATAKA STATE OPEN UNIVERISTY (W.P.No. 3956/2026 disposed of on 22.07.2026)**. She submits that, since the petitioner stands on the same footing, he is entitled for similar relief on the ground of parity. Hence, on this ground she prays to allow the writ petition.

10. Per contra, learned counsel for the respondent – University has supported the action of the respondents in issuing the impugned order. Hence, prays to dismiss the writ petition.

11. Perused the records and considered the submissions of the learned counsel for the parties.



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12. The issue involved in this case is squarely covered by the order passed by a Co-ordinate Bench of this Court in the case of **SMT.SARASWATI BIRADAR vs. KARNATAKA STATE OPEN UNIVERSITY AND OTHERS (W.P.No. 28903/2024 disposed of on 15.04.2025)**, wherein the Co-ordinate Bench, after considering the entire material on record, has held in paragraph Nos. 10 to 12 as follows:

"10. A perusal of the material on record will also indicate that the petitioner having enrolled/ admitted as a student for MA course in History during the period 2013-14 to 2014-15 and also having successfully completed/passed the examination/course, pursuant to which the KSOU has issued marks card/sheet in her favour duly acknowledging the same, respondent No.1- KSOU is clearly estopped from declining/refusing to issue a genuineness certificate in favour of the petitioner, particularly when the petitioner has changed her stance and obtained employment as a lecturer of History in Government PU College on the basis of her having studied and successfully completed MA Course in History pursuant to the representation



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made by the KSOU, whose contention is barred by the principles of estoppel and acquiescence and on this ground also, the impugned communication deserves to be quashed.

11. In so far as the contention urged by the KSOU that there cannot be estoppel against law since the KSOU was not duly recognised by the UGC during the period from 2013 to 2015 when the petitioner had got admitted/enrolled and completed her course in MA (History) and as such, the KSOU is not under an obligation to issue a genuineness certificate in favour of the petitioner is concerned, it is relevant to state that the conduct of the KSOU in holding out and representing that it was entitled to enroll/admit the petitioner as a student to MA course and its subsequent conduct in not only permitting the petitioner to complete the course successfully, but also by issuing marks cards/sheets in favour of the petitioner, who had undisputedly relied upon and utilized the same for the purpose of obtaining employment in Government PU College is sufficient to come to the conclusion that the KSOU is estopped by the principles of promissory estoppel, in as much as the KSOU specifically promised, held out and represented to the petitioner that the MA course conducted by it was legal, valid and proper and also issued marks



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card/sheet in favour of the petitioner and the genuineness certificate sought for by the petitioner was merely/also an additional document in this regard, which the KSOU was bound to issue having regard to its conduct in favour of the petitioner and as such, this contention urged by respondent No.1- KSOU cannot be accepted.

12. In view of the aforesaid facts and circumstances, I am of the view that the present petition deserves to be allowed and necessary directions be issued to respondent Nos.1 and 4 in this regard."

13. Admittedly, in the instant case, petitioner has passed the MBA from the erstwhile Academic Collaborative Institution. The issue involved in this case is squarely covered by the order passed by a Co-ordinate Bench of this Court. Hence, in view of the finding recorded by the Co-ordinate Bench in the aforesaid writ petition, I proceed to pass the following:

ORDER

- (i) Writ petition is allowed.



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- (ii) The impugned order – Annexure-D is hereby quashed.
- (iii) The respondent – University is directed to verify the marks card in respect of the MBA degree, from the Registration No.121952MBA073 and if the marks card is genuine, then issue Genuineness Certificate in the name of the petitioner and send the same to respondent No.3, within a period of eight weeks from the date of receipt of a copy of this order.
- (iv) In the meanwhile, the respondents are directed not to take any coercive action against the petitioner.

Sd/-
(ASHOK S.KINAGI)
JUDGE

CM
List No.: 1 Sl No.: 35