



CNR: KAHC010355702025

NC: 2026:KHC:37076
WP No. 16379 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 16379 OF 2025 (S-RES)

BETWEEN:

1. DR KISHORE KUMAR C K
S/O C.P KRISHNAPPA
SINCE DEAD, REP. BY HIS LRS
- 1(A) ARUNA B P
W/O LATE KISHORE KUMAR C K
AGED ABOUT 51 YEARS
- 1(B) DHYAN C K
S/O LATE KISHORE KUMAR C K
AGED ABOUT 15 YEARS
- 1(C) YASHAS C K
S/O LATE KISHORE KUMAR CK
AGED ABOUT 25 YEARS

ALL ARE R/AT
No.401, 15-33-795/13(7)
URBANIA HOMES
SHIVABAGH
1ST CROSS, KADRI
MANGALURU
D.K. DISTRICT - 575 002

...PETITIONERS

(BY SRI. K. RAVISHANKAR, ADVOCATE FOR P1(A-C))

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



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AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT
DEPARTMENT OF HIGHER EDUCATION,
M.S. BUILDING,
BENGALURU-560 001
2. THE MANGALORE UNIVERSITY,
REP. BY ITS REGISTRAR (ADMINISTRATION)
MANGALAGANGOTHRI,
KONAJE, ULLALA TALUK,
DAKSHINA KANNADA-574 199

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1
SRI. ARIHANT R SUNGAY, ADVOCATE FOR
SRI. T.P. RAJENDRA KUMAR SUNGAY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION DATED 29/04/2025 BEARING NO. MAVI/KU SA/SIBBANDI/KI VA NI/10/2024-25/E2 ISSUED BY THE 2ND RESPONDENT PRODUCED VIDE ANNEXURE-L TO THE WRIT PETITION BY HOLDING THAT THE SAME IS ILLEGAL, ARBITRARY, DISCRIMINATORY AND VIOLATIVE OF ARTICLE 14 AND 16 OF CONSTITUTION OF INDIA AND QUASH THE IMPUGNED ENDORSEMENT DATED 05/05/2025 BEARING NO MUMVI/KU SA/SINDI(S1)/5/2024/74786 ISSUED BY THE 2ND RESPONDENT PRODUCED VIDE ANNEXURE -L1 TO THE WRIT PETITION AND DIRECT THE RESPONDENTS TO CONTINUE THE SERVICE OF THE PETITIONER IN THE PRESENT POST TILL HE ATTAINS SUPERANNUATION IE, TILL 30/06/2027 AND ALSO DIRECT TO PAY ALL CONSEQUENTIAL BENEFITS SUCH AS SERVICE BENEFITS, MONETARY BENEFITS, PENSIONARY BENEFITS AND ALL OTHER BENEFITS FOLLOWING THEREFROM.



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

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

ORAL ORDER

The petitioner has filed this writ petition seeking
following reliefs:

- "(i) quash the impugned notification dated 29/04/2025 bearing No.Mavi/Ku.Sa/Sibbandi/Ki.Va.Ni/10/2024-25 / E2 issued by the 2nd respondent produced vide annexure-L to the writ petition by holding that the same is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of Constitution of India; and*
- (ii) quash the impugned endorsement dated 05/05/2025 bearing No.Mumvi/Ku Sa/Sindi(S1)/5/2024/74786 issued by the 2nd respondent produced vide Annexure-L1 to the writ petition; and*
- (iii) direct the respondents to continue the service of the petitioner in the present post till he attains superannuation i.e., till 30/06/2027 and also direct to pay all consequential benefits such as service benefits, monetary benefits, pensionary benefits and all other benefits following therefrom."*



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

2.1. Respondent No.2 issued a notification by including the Department of Physical Education under the category of Teachers on 11.12.1991. The petitioner was appointed as the Assistant Director of Physical Education by respondent No.2-University on 24.07.1996. The petitioner has been deputed as an in-charge Vice Chancellor with effect from 05.06.2018 to 06.11.2018. The petitioner became the member of the Departmental Council in Physical Education and Sports on 04.02.2002. the petitioner became the member of the Syndicate of respondent No.2-University on 16.10.2006. Respondent No.1 enacted Act No.6/2020 called as the Karnataka Regulation of Pay and Pension of Teachers in Higher Educational Institutions Act, 2020. One Prof. Dayakar B., approached this Court by filing a writ petition in WP No.12467/2017, which came to be allowed by order dated 10.08.2021 and respondent No.2-University was directed



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to continue the service till he attains the age of superannuation for a period of 62 years. The petitioner made a representation to the respondents to correct the date of his retirement as 30.06.2027 instead of 30.06.2025. This Court, under similar circumstances, in WP No.15808/2024, allowed the writ petition vide order dated 04.04.2025 and directed to continue the services till the age of 62 years. Pursuant to the order passed by this Court, the petitioner submitted a representation dated 22.04.2025 to respondent No.2-University to continue the service of petitioner till he attains the age of superannuation of 62 years, i.e., till 30.06.2027. Respondent No.2 issued the impugned notification by fixing the petitioner's superannuation period till 30.06.2025. Hence, this writ petition.

3. Respondent No.2-University has filed a statement of objections contending that, the writ petition filed by the petitioner is not maintainable either in law or on facts, and the same is liable to be dismissed. It is



denied that, the petitioner comes under the definition of 'teacher' as defined under Section 2(12) of the Karnataka State Universities Act, 2000 (**'Universities Act'** for short). It is contended that, the staff of the Physical Education is considered as non-teaching staff and it is also admitted that, the age of superannuation for non-teaching staff as per the Statute is on par with the policy of the State Government i.e., 60 years, whereas, in respect of the teaching staff of the University, the age of superannuation is 62 years. The petitioner has attained the age of superannuation i.e., 60 years on 30.06.2025. Respondent No.2, vide notification dated 29.04.2025, has permitted him to retire from service as per Rule 95 of Karnataka Civil Service Rules. There is absolutely no illegality in issuing the said notification. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioners and learned counsel for respondent No.2-University.



5. Learned counsel for the petitioners submits that, in the identical matter, the Co-ordinate bench of this Court in the case of ***Dr. R. Munireddy Vs. Bangalore University and Another¹***, permitted the petitioner therein who was appointed as a director of Physical Education in Bangalore University, has extended the age of retirement from 60 to 62 years. He further submits that, the Co-ordinate Bench of this Court in the case of ***Prof. K.Lakshmanappa and Another Vs. State of Karnataka and Others²***, has extended the age of retirement for the post of Deputy Director of Physical Education on the ground that the Director of Physical Education will fall within the definition of a 'teacher' as given under Section 2(12) of the Universities Act. The State Government preferred a writ appeal against the order passed in the case of ***Prof. K.Lakshmanappa*** (supra) in Writ Appeal No.317/2021. The said writ appeal came to be disposed of vide judgment dated 14.07.2021.

¹ WP No.2862/2014, disposed of on 26.03.2014

² WP Nos.441-443/2017, disposed of on 20.12.2018



Hence, he submits that, the petitioner falls within the definition of 'teacher' as defined under Section 2(12) of the Universities Act, and is entitled to the benefit of age of superannuation of 62 years. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for respondent No.2-University submits that, the Director of Physical Education does not fall within the purview of 'teacher' as defined under Section 2(12) of the Universities Act. The Director of Physical Education comes under non-teaching staff. The retirement age is 60 years. Respondent No.2-University has rightly issued impugned notification. Hence, on these grounds, he prays to dismiss the writ petition.

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

8. The Co-ordinate Bench of this Court, in the case of **Dr. R. Munireddy** (supra), had an occasion to consider



the similar issue whether the Directors of Physical Education fall within the definition of 'teacher' as defined under Section 2(12) of the Universities Act. The Co-ordinate bench has placed reliance on the judgment rendered in the case of ***Bangalore University Vs. Dalappa and Another***³. The Co-ordinate Bench, considering the decisions of this Court as well as the Hon'ble Apex Court, has directed the respondent-University therein to continue the services of the petitioner therein till he attains the age of superannuation i.e., 62 years.

9. In other Universities like Kuvempu University, similar orders came to be passed in the case of ***Prof. K.Lakshmanappa*** (supra). The said order was challenged before the Division Bench of this Court in WA No.317/2021 by the State Government. The said writ appeal came to be disposed of vide judgment dated 14.07.2021.

³ ILR 2005 KAR 4007



10. The State Government has also preferred a writ appeal in WA No.553/2021 challenging the order passed by the Co-ordinate Bench in the case of **Narayana Rao P.A Vs. State of Karnataka and Others⁴**. The said writ appeal also came to be dismissed vide judgment dated 05.06.2023.

11. One Dr. Keshavamurthy T., filed a writ petition against the respondent herein in WP No.15808/2024 seeking the extension of his retirement age from 60 to 62 years. The said writ petition came to be allowed vide order dated 04.04.2025. The said Dr. Keshavamurthy was working as a Physical Education Director in respondent No.2-University.

12. It is therefore evident that, the contention urged in this writ petition is squarely covered by the orders of the Co-ordinate Bench referred supra. In the light of the cases referred above, this petition deserves to

⁴ WP No.47307/2016, disposed of on 14.01.2019



be disposed of on similar terms. As the original petitioner is no more, hence, question of directing to reinstate does not arise.

13. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned notification dated 29.04.2025 issued by respondent No.2-University vide Annexure-L is hereby ***quashed***;
- iii. The respondents are directed to pay all consequential benefits such as service benefits, monetary benefits, pensionary benefits and all other benefits following thereon;
- iv. Pending IA(s), if any, shall stand disposed of.

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

PA
List No.: 1 Sl No.: 10