



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 18193 OF 2024 (S-RES)

BETWEEN:

DR PHANIRAJA K L
S/O KONANDUR LINGAPPA
AGED ABOUT 53 YEARS
WORKING AS CHIEF VETERINARY OFFICER
VETERINARY HOSPITAL, HUMCHA
HOSANAGARA, SHIVAMOGGA - 577 436.

R/A KONAMDUR MAIN ROAD
NEAR C K CIRCLE, KONANDUR
THIRTHA HALLI TALUK
SHIVAMOGGA - 577422.

...PETITIONER

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. K DIWAKARA, SENIOR ADVOCATE FOR
SRI. HITESH GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT F PERSONNEL AND
ADMINISTRATIVE REFORMS
STATE OF KARNATAKA
REP. BY ITS SECRETARY
VIDHANA SOUDHA, BANGALORE - 560 001.



2. KARNATAKA VETERINARY ANIMAL
AND FISHERIES SCIENCE UNIVERSITY
REP. BY ITS VICE CHANCELLOR
NANDI NAGAR, P B NO. 6
BIDAR-585 401.
3. REGISTRAR
KARNATAKA VETERINARY ANIMAL
AND FISHERIES SCIENCE UNIVERSITY
NANDI NAGAR, P B NO. 6
BIDAR - 585401.

...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1:
SMT. VAISHALI HEGDE, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
ISSUE WRIT OF MANDAMUS/CERTIORARI OR ANY OTHER
SUCH ORDER OR NOTICE TO THE RESPONDENT TO
QUASH THE NOTICE WITH BEARING NO.VC/KVAFSU/
BACKLOG/ASSC.PROF/ENDORSEMENT/2022-23/526 AND
DATED: 3.05.2023 (ANNEXURE-A) 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 H.T. NARENDRA PRASAD



ORAL ORDER

1. The petitioner has called in question the endorsement dated 03.05.2023 issued by respondent No.3-University at Annexure-A, whereby, the application filed by the petitioner to the post of Associate Professor has been rejected.

2. Brief facts of the case are that respondent-University issued a Notification on 09.07.2010 inviting applications to the backlog post of Professor as well as Associate Professor in the discipline of Veterinary Microbiology under the reserved Scheduled Caste category. Subsequently, the University issued a Corrigendum dated 07.12.2010 modifying the earlier notification dated 09.07.2010. Pursuant thereto, the petitioner submitted an application on 04.01.2011 and also one Dr.Vivekananda has filed an application to the post of Associate Professor. After scrutiny of the applications and completion of selection process, the respondent-University has recommended the name of Dr.Vivekananda as per the merit list, while the



name of the petitioner was not recommended. Aggrieved by the said selection, the petitioner approached this Court by filing W.P.No.18656/2011 c/w 17359/2011. This Court, by order dated 16.07.2019 had partly allowed the writ petitions and directed the respondent-University to re-examine the case of the petitioner and Dr.Vivekananda on merits and shall thereafter publish the selection list, provided, the candidates meet the qualifications stipulated by the University Grants Commission (for short 'the UGC'). Being dissatisfied with the said order, the petitioner herein preferred Writ Appeal No.3035/2019 c/w 3036/2019. This Court, by judgment dated 24.11.2021 at Annexure-B, disposed of the writ appeals; set aside the order passed by the learned Single Judge and directed the respondent Nos.1 and 2-University to consider the case of the appellant (petitioner herein) for appointment to the post of Associate Professor in accordance with the provisions of Karnataka State Civil Services (unfilled Vacancies reserved for persons belonging to SC and ST) (Special Recruitment)



Rules, 2001 (for short 'the 2001 Rules'). Pursuant to the directions of this Court, the respondent-University reconsidered the case of the petitioner and issued the impugned endorsement dated 03.05.2023, rejecting his application. Being aggrieved by the issuance of the impugned endorsement, the petitioner is before this Court.

3. Learned Senior Counsel appearing for the petitioner has made the following submissions:

(a) The Division Bench of this Court in earlier round of litigation in W.A.No.3035/2019 c/w W.A.No.3036/2019 disposed of on 24.11.2021 had specifically directed the respondent-University to consider the case of the petitioner for appointment to the post of Associate Professor in accordance with the 2001 Rules. It was further submitted that, while filling up backlog vacancies under the 2001 Rules, the qualifications prescribed in the Notification as on the date of issuance of the Notification alone are required to be considered, and not the qualifications introduced subsequently by way of



amendment either to the Universities Act or to the UGC Regulations. Such subsequent amendments, are inapplicable to the notifications issued for filling up backlog vacancies.

(b) It was further submitted that as per the Notification dated 09.07.2010, the petitioner has acquired the qualification of Ph.D Degree in the concerned/allied subject as prescribed by the University; he has good academic record with atleast 50% marks and possesses five years experience in Teaching and/or in Research/Extension in the cadre of Assistant Professor. He further submitted that the petitioner has worked as a Veterinary Officer on deputation in the Department of Animal Husbandry and Veterinary Science from 27.02.1999 to 02.10.2008 and that is equivalent to the post of Assistant Professor. Thereafter, from 04.10.2008 to till the date of filing the application, he was working as an Assistant Professor in Veterinary College. Thus, the petitioner has acquired requisite experience as prescribed



in the Notification. Contrary thereto, the respondent–University has issued the impugned endorsement stating that the petitioner does not possess five years of experience.

(c) The petitioner has published certain qualified publications and possesses scholarship by way of contribution to the educational innovation, design of new course and curriculum and thereby, satisfying all the conditions stipulated in the Notification.

(d) The impugned endorsement proceeds on the erroneous premise that the petitioner does not possess five years of experience as an Assistant Professor as per the UGC guidelines issued in the year 2010, which came into force subsequent to the issuance of the Notification dated 09.07.2010, and therefore, the same cannot be applied to the petitioner’s case. In support of this submission, learned Senior Counsel has placed reliance on the judgment of this Hon’ble Court in **University of Agricultural Sciences, represented by its Registrar v.**



Venu S.A. and Others, reported in **2024 SCC OnLine Kar 20023**, to contend that the UGC Regulations are applicable only to general recruitment and cannot be invoked for filling up backlog vacancies. Reliance was also placed on the decision of the Hon'ble Supreme Court in **State of Tripura & Others v. Nikhil Ranjan Chakraborty & Others**, in **Civil Appeal Nos.691-693 of 2017**, disposed of on **20.01.2017**, wherein it was held that the rules in force on the date of occurrence of vacancy alone are applicable, and not the rules prevailing on the date of consideration of the application.

With the above submissions, the learned senior counsel sought for allowing the writ petition.

4. Per contra, learned counsel appearing for the respondent-University has made the following counter-submissions:

(a) She submitted that under the 2001 Rules, the definition of the term 'qualification' includes prescription of the required qualifications in the Notification for inviting



applications. As per the Notification dated 09.07.2010, the qualification prescribed for the post of Associate Professor was five years experience in Teaching and/or in Research/Extension in the cadre of Assistant Professor or its equivalent position in the concerned subject. By virtue of Corrigendum dated 07.12.2010, the qualifications prescribed under the UGC Regulations were expressly incorporated. The petitioner, having accepted both the Notification dated 09.07.2010 and the Corrigendum dated 07.12.2010, submitted his application on 04.01.2011. Having done so, the petitioner is estopped from contending that the qualifications introduced by the Corrigendum are not applicable to his case. In support of her contention, she has placed reliance on the judgment of the Hon'ble Supreme Court in **Tajvir Singh Sodhi and Others v. State of Jammu and Kashmir and Others**, reported in **(2023) 17 SCC 147**.

(b) Learned Counsel further contended that even as per the Notification dated 09.07.2010, the petitioner has



no experience of teaching in the cadre of Assistant Professor with pay scale of Rs.8,000 – Rs.13,500. The service rendered by the petitioner as a Veterinary Officer from 27.02.1999 to 02.10.2008 cannot be treated as equivalent to experience in the cadre of Assistant Professor for the purpose of eligibility. The Committee after evaluating the publications submitted by the petitioner, arrived at the conclusion that they could not be considered as equivalent or qualifying publications. Once such a decision is taken by the Committee, this Hon'ble Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot sit as an appellate authority and re-appreciate the decision on merits. In support of her contentions, she has relied upon the judgments of the Hon'ble Supreme Court in **Madan Lal and Others v. State of Jammu and Kashmir and Others**, reported in **(1995) 3 SCC 486** (paragraphs 10 and 17), and **Union Public Service Commission v. M.**



Sathiya Priya and Others, reported in **(2018) 15 SCC 796** (paragraph-20).

(c) Learned Counsel further contended that as per the Notification dated 09.07.2010, to the post of Associate Professor, a candidate must possess five years of experience in Teaching and/or research/Extension in the cadre of Assistant Professor or its equivalent position in the concerned subject. Thereafter, a Corrigendum dated 07.12.2010 has been issued and notification dated 09.07.2010 has been modified holding that the candidate has to satisfy with the qualifications prescribed under the UGC Regulations. Since the petitioner has not satisfied the qualifications prescribed under the UGC Regulations, his case has been rejected. In support, she has relied upon the judgment of this Court passed in **Writ Appeal No.508/2025 dated 15.10.2025** (paragraph-21) wherein it has been held that even after issuance of a notification inviting applications from eligible candidates,



the qualifications prescribed by AICTE, before considering the applications, are made applicable.

(d) Lastly, learned counsel contended that the judgment relied upon by the petitioner in **State of Tripura and Others v. Nikhil Ranjan Chakraborty and Others**, arising out of **Civil Appeal Nos.691–693 of 2017**, has been overruled by the Hon'ble Supreme Court in **State of Himachal Pradesh and others v. Raj Kumar and others** reported in **(2023) 3 SCC SC 773** (paragraph 80). It is contended that the Hon'ble Supreme Court has categorically held that if a person is not legally entitled to a benefit or grant, such person cannot claim the same merely on equitable considerations.

With the above submissions, she sought for dismissal of the writ petition.

5. Heard the learned counsel for the parties. Perused the writ papers.



6. The respondent-University has issued a Notification on 09.07.2010 inviting applications for filling up backlog post of Professor and Associate Professor from among the reserved Scheduled Castes category. In so far as the post of Associate Professor is concerned, the qualifications prescribed under the Notification dated 09.07.2010 are extracted hereunder:

"Associate Professor Cadre (Pay Scale Rs. 12000-420-18300 or revised from time to time:

- (1) A Ph.D degree in the concerned / allied subject prescribed by the University*
- (2) Good academic record with atleast 50% marks or an equivalent grade of "B" in the UGC 7 point scale with letter grades O, A, B, C, D, E & F at the Master's degree level in the concerned subject / allied subject from a recognized Indian university or an equivalent degree from a Foreign University*
- (3) Five years of experience in Teaching and/or in Research/Extension in the cadre of Assistant Professor (Pay scale of Rs.8000-13500 or as revised from time to time) or its equivalent position in the concerned subject, excluding the period spent for obtaining the Ph.D. degree (subject to a maximum of 3 years) and has made some mark in the area of scholarship as evidenced by quality of publication, contribution to*



educations invocation, design of new courses and curricula."

7. Thereafter, by Corrigendum dated 07.12.2010, the respondent-University has modified the Notification dated 09.07.2010. The relevant portion of the Corrigendum dated 07.12.2010 in so far as it relates to the post of Associate Professor, reads as under:

"FOR ASSOCIATE PROFESSOR

Ph.D in the concerned / allied subject with 5 years of experience in Teaching/Research/Extension

OR

The candidates outside the University system, shall possess at least 50% of marks or an equivalent grade of B in the seven point scale with letter grades O, A, B, C, D, E & F at the Master's Degree in the concerned subject with 10 years of experience in Teaching/Research/Extension."

8. Thereafter, the petitioner has filed an application to the post of Associate Professor and participated in the selection process. After being unsuccessful, it is not open for the petitioner to challenge the selection criteria. The



Apex Court in the case of **Tajvir Singh Sodhi** (supra) in paragraph 38, 38.1 and 38.2 has held as follows:

"38. The next aspect of the matter which requires consideration is the contention of the writ petitioners to the effect that the entire selection process was vitiated as the eligibility criteria enshrined in the advertisement notice dated 5-5-2008 was recast vide a corrigendum dated 12-6-2009, without any justifiable reason. In order to consider this contention, regard may be had to the following case law:

38.1. In Manish Kumar Shahi v. State of Bihar, this Court authoritatively declared that having participated in a selection process without any protest, it would not be open to an unsuccessful candidate to challenge the selection criteria subsequently.

38.2. In Ramesh Chandra Shah v. Anil Joshi, an advertisement was issued inviting applications for appointment for the post of Physiotherapist. Candidates who failed to clear the written test presented a writ petition and prayed for quashing the advertisement and the process of selection. They pleaded that the advertisement and the test were ultra vires the provisions of the Uttar Pradesh Medical Health and Family Welfare Department Physiotherapist and Occupational Therapist Service



Rules, 1998. After referring to a catena of judgments on the principle of waiver and estoppel, this Court did not entertain the challenge for the reason that the same would not be maintainable after participation in the selection process. The pertinent observations of this Court are as under: (SCC p. 320, para 24).

"24. In view of the propositions laid down in the above noted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents."

9. As per the qualifications prescribed in the Notification dated 09.07.2010 issued by the respondent-University, the candidate is required to possess a Ph.D Degree in concerned/allied subject prescribed by the University. It is not in dispute that the petitioner possess a requisite Ph.D Degree. As per the condition No.2, the candidate should



have good academic records with at least 50% marks and the petitioner has satisfied the said condition No.2. Condition No.3 stipulates that the candidate should have Five years of experience in Teaching and/or in Research/Extension in the cadre of Assistant Professor (Pay scale of Rs.8000-13500 or as revised from time to time) or its equivalent position in the concerned subject, excluding the period spent for obtaining the Ph.D. degree (subject to a maximum of 3 years) and has made some mark in the area of scholarship as evidenced by quality of publication, contribution to educations invocation, design of new courses and curricula. In support of his clam, the petitioner has produced Experience Certificates along with other relevant documents. As per the Certificate issued by Karnataka Veterinary, Animal fisheries Sciences University, Bidar dated 11.11.2020, the service rendered by the petitioner in the Department of Animal Husbandry and University, is as follows:



Sl. No.	Designation	Period		Place of working
1	Veterinary Officer	27.02.1999	02.10.2008	Dept. of Animal Husbandry & Veterinary Service.
2	Assistant Professor(OPG)	04.10.2008	13.07.2009	Veterinary College, Bengaluru
3	Assistant Professor(OPG)	20.07.2009	30.09.2013	Veterinary College, Hassan
4	Assistant Professor(OPG)	01.10.2013	01.10.2013	Veterinary College, Shivamogga
5	Assistant Professor(OPG)	23.12.2015	To till date	Veterinary College, Bengaluru

10. The petitioner has worked as Veterinary Officer, Department of Animal Husbandry and Veterinary Services from 27.02.1999 to 02.10.2008. The said position cannot be construed as equivalent to the experience required by the respondent-University under the Notification for appointment to the post of Associate Professor. The petitioner thereafter worked as an Assistant Professor from 04.10.2008 onwards to till date. The Notification has been issued on 09.07.2010 and last date for filing the application is 15.01.2011. Even if the experience is reckoned up to the last date for submission of applications, namely 15.01.2011, the petitioner does not possess five years' experience in the cadre of Assistant Professor or its equivalent as mandated under the



Notification. Consequently, the respondent–University was justified in issuing the impugned endorsement dated 03.05.2023 rejecting the petitioner’s candidature. The relevant portion of the endorsement dated 03.05.2023 is extracted hereunder:

"The Recommendations of the Selection cum counselling Committee in sealed cover was submitted to the Special Meeting of Board of Management Dated 30-03-2023 and the Board approved the Decision of the Selection cum counselling Committee.

Recommendation of the Selection Cum Counselling Committee

Not recommended for the post

The candidate is not fit to be considered to be appointed for the post of Associate Professor in the Subject of Veterinary Microbiology

This endorsement is being issued with the approval of the competent authority."

11. Another ground on which the petitioner’s claim has been rejected is that, although the petitioner relies upon certain publications to establish academic scholarship, the same do not meet the standard of quality publications required for appointment to the post of Associate



Professor. The assessment of the quality of publications has been undertaken by the Selection Committee. This Court, in exercise of its writ jurisdiction, cannot act as an appellate authority to reassess such expert evaluation. Consequently, no infirmity can be found in the endorsement issued by the respondent.

12. With regard to the petitioner's contention that the qualifications prescribed as on the date when the vacancies arose ought to be considered, reliance has been placed on the judgment of the Hon'ble Supreme Court in **Nikhil Ranjan Chakraborty** (supra), which referred to the decision in **Y.V. Rangaiah**. However, it is relevant to note, firstly, that when the notification prescribing the qualifications and inviting applications was issued, the petitioner did not challenge the same and had, in fact, accepted it. Secondly, the judgment in **Y.V.Rangaiah**, relied upon in **Nikhil Ranjan Chakraborty**, has since been distinguished and overruled by the Hon'ble Supreme



Court in **(2023) 3 SCC 773**. The paragraphs 80-82 are relevant and same is extracted below:

"80. The Court considered a large number of decisions that distinguished Rangaiah case and held as a matter of principle that rules that exist on the date when the case for promotion was taken up would hold the field. The Court further observed that there is no rule which specifically mandates that the vacancies prior to the amendment must be filled as per the rules that existed and not the new Rules. This is a complete reversal of the principle set to have been laid down in Rangaiah case.

81. Finally, D. Raghu v. R. Basaveswarudu, is yet another decision that has not followed the principle in Rangaiah case². The Court held as under: (D.Raghu case, SCC p. 68, para 129).

"129. 129.8. The High Court was in error in holding that it has to be necessarily held that the vacancies which arose prior to the revised Recruitment Rules coming into force have to be filled up under the then existing Rules ("the 1979 Rules") relying upon case law including Rangaiah². There was a conscious decision taken to not fill up vacancies based on the restructuring, and what is more, letters dated 28-10-2002 and 14-11-2002 show that promotion to the post of Inspector was to be effected based on the new Recruitment Rules."

Analysis

82. A review of the fifteen cases that have distinguished Rangaiah² would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in Rangaiah². The findings in these judgments, that have a direct



bearing on the proposition formulated by Rangaiah² are as under:

82.1. There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, Rangaiah case must be understood in the context of the rules involved, therein.

82.2. It is now a settled proposition of law that a candidate has a right to be considered in the light of the existing rules, which implies the "rule in force" as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates.

82.3. The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules. The employee does not acquire any vested right to being considered for promotion in accordance with the repealed rules in view of the policy decision taken by the Government. There is no obligation for the Government to make appointments as per the old Rules in the event of restructuring of the cadre is intended for efficient working of the unit. The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14.

82.4. The principle in Rangaiah need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately.

82.5. When there is no statutory duty cast upon the State to consider appointments to



*vacancies that existed prior to the amendment,
the State cannot be directed to consider the
cases.”*

13. Further, the judgment relied upon by the petitioner in 2024 SCC OnLine Kar 20023 pertains to the adoption of UGC Regulations by the University in general and does not deal with the filling up of backlog vacancies. For the purpose of filling backlog posts, the 2001 Rules specifically define “qualification” as that prescribed in the notification calling for applications for filling such backlog posts. Admittedly, the petitioner does not satisfy the qualifications prescribed in the relevant notification. Hence, the judgments relied upon by the petitioner are not applicable to the facts of the present case.

14. In view of the above discussions, the writ petition is devoid of merits and is accordingly dismissed.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**