



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH 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. 16786 OF 2026 (S-KSAT)

BETWEEN:

DR. SHIVAPRASAD.E,
S/O. LATE ERANNA,
AGED ABOUT 50 YEARS,
WORKING AS ASSISTANT PROFESSOR
(ECONOMICS),
GOVERNMENT FIRST GRADE COLLEGE,
ARASIKERE TALUK,
HASSAN DISTRICT - 573 103,
RESIDING AT NO. 9, 19TH CROSS,
1ST STAGE, INDUSTRIAL SUBURB,
VISHWESHWAR NAGAR,
MYSORE - 570 008.

...PETITIONER

(BY SRI. SATISH K.,ADVOCATE)

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION
(COLLEGIATE EDUCATION),
REP. BY ITS PRINCIPAL SECRETARY,
M. S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER,
DEPARTMENT OF COLLEGIATE
AND TECHNICAL EDUCATION,
UNNATHA SHIKSHANA SOUDHA,



SHESHADRI ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI.REUBEN JACOB, AAG, A/W
SRI. K. R. RAJENDRA, AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN RESPECT OF THE IMPUGNED ORDER DATED 29/04/2026 PASSED IN APPLICATION NO.4157/2025 (ANNEXURE-A) AND SET ASIDE THE IMPUGNED ORDER DATED 29/04/2026 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU IN APPLICATION NO.4157/2025 (ANNEXURE-A) AND CONSEQUENTLY ALLOW THE SAID APPLICATION NO.4157/2025 PREFERRED BY THE PETITIONER, AS PRAYED FOR (ANNEXURE-B).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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)

Unsuccessful applicant before the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') is before this Court questioning the order dated 29.04.2026 in Application No.4157/2025 whereunder the petitioner's prayer to quash order of counselling transfer



dated 31.07.2025 (Annexure-A4) and also a direction to consider representations at Annexures-A5 and A6 is rejected.

2. Brief facts of the case are that, the petitioner is working as Assistant Professor (Economics) in the department of Collegiate Education. On his appointment as Assistant Professor (Economics), he was posted to work at Sri.Maddaneshwara Government First Grade College, Kabbahali, Gundlupet Taluk. The teaching staff of the Collegiate Education are governed by the Karnataka State Civil Services (Regulation of Transfer of Teaching Staff of Department of Collegiate Education) Rules, 2021 (for short, 'Rules, 2021') insofar as their transfer and posting are concerned. In terms of Rules, 2021, the respondents initiated process of transfer through counselling for the academic year 2025-26 and in that regard, Circular dated 01.07.2025 was issued.



3. The petitioner was liable for transfer and he participated in the counselling for transfer that was conducted on 30.07.2025 and 31.07.2025. The petitioner chose Arasikere and accordingly he was posted to Government First Grade College, Arasikere. Questioning the said transfer, the petitioner was before the Tribunal in the above stated application contending that all the vacancies available as on the date of counselling were not displayed during the counselling. Further, it is contended that particularly the vacancies of Assistant Professor (Economics) which were available by virtue of retirement of the incumbent at Government First Grade College, Kushalnagar and Government First Grade College, Kuvempunagar, Mysuru were not shown, though the vacancy had arisen on retirement on 31.05.2025 and 31.07.2025 respectively.

4. The Tribunal accepting the contention of the respondents/State that due to shortage of workload in Economics to accommodate two teachers, the said posts



were not displayed as vacancy during the transfer counselling, dismissed the petitioner's application. Questioning the said order, petitioner is before this Court in this writ petition.

5. Heard learned counsel Sri.K.Satish for petitioner and learned Additional Advocate General Sri.Reuben Jacob along with learned Additional Government Advocate Sri.K.R.Rajendra for respondents/State.

6. Learned counsel Sri.K.Satish for petitioner vehemently contends that the State failed to notify the vacancies which were available as on the date of counselling i.e., 30.07.2025. It is his categorical submission referring to Annexure-A3 – letter from the Principal, Government First Grade College, Kushalnagar dated 26.07.2025 to the second respondent-Commissioner stating that there exists one vacancy of Assistant Professor (Economics) in the Government First Grade College, Kushalnagar. It is submitted that though the



vacancy had arisen on 30.05.2025, the State Government failed to show the said vacancy available at Kushalnagar. Further, learned counsel referring to various Annexures would submit that vacancy at Government First Grade College, Kuvempunagar, Mysuru was also not shown though vacancy had arisen on retirement on 31.07.2025. It is his submission that all retirement vacancies would be known to the Department in the month of January every year, as such retirement vacancy could be shown.

7. Further, learned counsel also submits that vacancy of Assistant Professor (Economics) at Government First Grade College, Hunsur and vacancy of Assistant Professor (Commerce) at Government First Grade College at Paduvarahalli, Mysuru were also not shown, though vacancies were available prior to the counselling. Thus, he submits that the transfer counselling is in violation of Rule 6(2) of Rules, 2021. In that he submits that all the vacancies available as on the date of counselling ought to



be notified by the competent authority, well before the date of counselling.

8. Further, learned counsel invites attention of this Court to the affidavit of the Chief Administrative Officer, Department of Collegiate Education dated 24.06.2026 and submits that the second respondent-Commissioner has admitted that the posts had not been shown in updated list published on 28.07.2025, but were added on 29.07.2025 and before starting transfer counseling 30.07.2025, the teachers were orally informed about the additions and deletions of posts available for transfer counselling, which according to learned counsel is impermissible and the same would be violative of Rule 6(2) of Rules, 2021. It is his submission that transfer counselling shall be conducted only to the notified vacancies and no vacancy could be added orally. Thus, he submits that the entire process of transfer counselling held on 30.07.2025 is farce and cannot be enforced. Thus, he would pray for allowing the writ petition.



9. Per contra, learned Additional Advocate General Sri.Reuben Jacob would submit that notifying vacancy depends on the available workload. He submits that there was no sufficient workload either at Government First Grade College, Kushalnagar or Kuvempunagar, Mysuru to notify the said vacancies. Further, he submits that, at Kushalnagar and at Kuvempunagar, Mysuru, already one Assistant Professor (Economics) each were working and there was no workload for the second post. Therefore, the same was not notified.

10. It is submitted that Annexure-A3, letter dated 26.07.2025 from the Principal, Government First Grade College, Kushalnagar appears to have been addressed at the instance of the petitioner and in that regard, he places on record along with the affidavit of the second respondent to Chief Administrative Officer dated 20.06.2026, the cover which was containing the letter dated 26.07.2025 and submits that the said letter was



dispatched from the Principal, Government First Grade College, Kushalnagar on 19.08.2025 and the same was received at the second respondent's office on 21.08.2025. Thus, he would submit that the said letter was not available as on the date of counselling and he further submits that the Principal is not empowered to write such misleading letter. He further submits that action is being initiated against such Principals who furnish false information or who furnish information belatedly.

11. Learned Additional Advocate General referring to Rules, 2021 would submit that only on getting information from the concerned Principals with regard to subject-wise posts sanctioned, subject-wise workload, working strength, vacant posts and other details, the authorities would notify the vacancies available for compulsory transfer. Further, he would submit that all the vacancies available as on the date of counselling were made known to the teachers who participated in the counselling and he submits that it is not open for the



petitioner to contend that vacancies were not shown on the display board as on the date of counselling. Thus, he would pray for dismissal of the writ petition.

12. On hearing the learned counsel appearing for the parties and on perusal of the entire writ petition papers including the affidavits and memos filed by both the parties during the course of hearing, we are of the considered opinion that the petitioner would not be entitled for any relief. However, the respondents-State shall conduct counselling only in respect of notified vacancies in terms of Rule 6(2) of Rules, 2021 and the authorities shall not conduct counselling by orally notifying with regard to vacancies.

13. The petitioner was working as Assistant Professor (Economics) at Government First Grade College, Kabbahalli, Gundlupet Taluk since from the date of his appointment in the year 2017. In terms of Rule 2021, the petitioner was liable for compulsory transfer. In the



counselling held on 30.07.2025, the petitioner chose vacancy at Government First Grade College, Arasikere and accordingly, under impugned order dated 31.07.2025, the petitioner was posted to work as Assistant Professor, Government First Grade College, Arasikere. The petitioner questioned the said transfer on the ground that vacancy at Government First Grade College, Kushalanagar as well as Government First Grade College, Kuvempunagar, Mysuru were not shown during the counselling held on 30.07.2025. Learned counsel for the petitioner placing reliance on Annexure-A-3, letter of the Principal, Government First Grade College, Kushalanagara submitted that there was vacancy as on 31.05.2025 itself on retirement of one Sri.Rameshchandra P, Assistant Professor (Economics). Learned AAG along with affidavit dated 20.06.2026 has placed on record the cover in which letter dated 26.07.2025 was received by the second respondent-Commissioner and the same would indicate that the said letter was dispatched from the Principal,



Government First Grade College, Kushalanagara on 19.08.2025 and the same was received by the Office of the Commissioner on 21.08.2025. If that is so, the competent authority could not have indicated the said vacancy on the date of counselling i.e., 30.07.2025. Moreover, the records would indicate that there is no work load for 2nd post of Assistant Professor at Government First Grade College, Kushalanagara.

14. Insofar as vacancy at Government First Grande College, Kuvempunagar, Mysuru, learned AAG submitted that there is no workload for the second Assistant Professor. He submits that already one Assistant Professor is working in the said college and total working hours in the said college is 30 hours and the workload for the second Assistant Professor would be 16 hours per week and to post another Assistant Professor, 16 hours of workload is not available. Hence, he submits that vacancy at Government First Grade College, Kuvempunagar, Mysuru is not shown. If workload for second Assistant



Professor is not available, the competent authority is justified in not showing or indicating vacancy in such colleges. Therefore, the petitioner cannot have any grievance with regard to non-showing or indicating vacancy at Government First Grade College at Kushalnagar as well as at Kuvempunagar, Mysuru.

15. With regard to vacancy at Hunsur, the same is chosen by Dr.Sabira Firdous who is much senior to the petitioner in the priority list. Therefore, the petitioner cannot have any grievance. However, the petitioner brought to the notice of this Court that certain of the vacancies which were not notified in terms of Rule 6(2) of Rules 2021 were orally notified on the date of counseling which is admitted by the respondents in their affidavit filed on 24.06.2026. The relevant paragraph No.3 of the affidavit reads as follows:

"3. I state that with regard to display of post of teacher in Economics available in Govt. First Grade College for Women, Hunsur in transfer counselling, it is submitted that though said post



did not appear in updated list published on 28.07.2025, the same was added on 29.07.2025 and before starting of transfer counselling, teachers were also orally informed about additions and deletions of posts available for transfer counselling, which included post of Economics in Govt. First Grade College for Women, Hunsur and as Dr. Sabira Firdous appeared in the top of list among teachers, who had submitted application for transfer on request, she opted for post of Economics in Govt. First Grade College for Women, Hunsur. The screen shot showing addition of post of teacher in Economics in Govt. First Grade College for Women, Hunsur on 29.07.2025 is produced herewith as ANNEXURE-R4. Hence, it is submitted that availability of post in Economics in Govt. First Grade College for Women, Hunsur for transfer was duly informed to all teachers before start of transfer counselling itself."

A reading of the above would indicate that the post of Assistant Professor in Economics at Government First Grade College for Women at Hunsur did not appear or vacancy at Hunsur was not notified in the vacancy list published on 28.07.2025 and the same was added on 29.07.2025 and the teachers who participated in the



counseling were orally informed about the said vacancy. The above action of the respondents is opposed to Rule 6(2) of Rules 2021.

16. Rule 6 of 2021 Rules reads as follows:

"Rule - 6. Procedure for conducting counselling :-

- (1) *Before initiation of counselling procedure, the subject-wise posts sanctioned, subject-wise workload, working strength and vacant posts and other details shall be submitted by all Principals in the proforma specified by the Competent Authority or through online information system.*
- (2) *The posts of teaching staff to be filled by counselling by compulsory transfer in the interest of public service shall be notified by Competent Authority based on the availability of vacancies and sufficient workload and academic requirement and clause (d) of Rule 5.*
- (3) *Application for transfer on request by the teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub-rule (3) of Rule 4 shall be submitted within the date and in proforma specified by the Competent Authority.*
- (4) *The applications received within the last date shall be scrutinised and if the information furnished in transfer application is found to be incorrect, it shall be treated as mis-conduct and suitable disciplinary action shall be taken against the applicant as per Karnataka Civil*



Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

- (5) *The teaching staff or applicant on receipt of the instructions from the Competent Authority shall appear for counselling and select any of the posts displayed within the allotted time under sub-rule (5) of Rule 4. In the event of the teaching staff or applicant, who is scheduled to appear for counselling on request, does not appear for counselling or appears and fails to select a place within the stipulated time, he shall be deemed to be continued in the existing working place, unless otherwise, he is transferred compulsorily in the interest of public service by counselling.*

Provided that, if, in the event of the teaching staff, who is scheduled to appear for counselling for compulsory transfer in the interest of public service, does not appear for counselling or appears and fails to select a place within the stipulated time, then the Competent Authority is empowered to transfer and post the said staff against the displayed vacancy at the end of the counselling for compulsory transfer in public interest.

Provided further that, If, the teaching staff does not report to duty at the place of posting by transfer, it shall be treated as misconduct, and said staff shall be liable for suitable disciplinary action under Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.



- (6) *The posts of teaching staff displayed as notified in sub Rule (2) of Rule 6 to be filled by counselling shall include the vacancies that will be created by compulsory transfer of teaching staff who have completed minimum length of service as specified in sub-rule (1) of Rule 4 and within limits prescribed in sub-rule (3) of Rule 4 by counselling. Against these notified and displayed posts, teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4 shall be allowed to select displayed posts by counselling. If the said teaching staff opts to continue in the existing working place he shall be continued unless otherwise, he is compulsorily transferred in the interest of public service by counselling. Further, on selection of displayed post by a teaching staff in a Government First Grade College by counselling the said post shall be removed from list of displayed posts for further counselling.*
- (7) *After first round of counselling for the teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub rule (3) of Rule 4, the posts of teaching staff to be filled by further counselling shall be notified and displayed by the Competent Authority taking into consideration the vacancies created in first round of counselling and based on availability of sufficient workload and academic requirement. The second round of counselling shall then be conducted for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4.*
- (8) *After completion of second round of counselling for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4, the posts of teaching staff to be*



filled by further counselling shall be notified and displayed by the Competent Authority based on the vacancies created in the first two rounds of counselling and based on the availability of sufficient workload and academic requirement. Thereafter, the counselling for teaching staff to be compulsorily transferred in the interest of public service shall be held. Further, on selection of displayed post by a teaching staff in a Government First Grade College by counselling, the said post shall be removed from list of displayed posts for further counselling."

Rule 6(1) of 2021 Rules would state that before initiation of counselling, the competent authority shall collect the information with regard to subject-wise posts sanctioned, subject-wise workload, working strength, vacant posts and other details from the Principals. On receiving such information, the posts of teaching staff to be filled up by counselling by compulsory transfer shall be notified by the competent authority. The teaching staff, on instructions from the competent authority shall appear for counselling and select any of the posts displayed within the allotted time. A cumulative reading of Rule 6 of 2021 Rules makes it abundantly clear that the counselling for transfer could



be conducted only to the vacancies notified under Rule 6(2) of 2021 Rules. No counselling could take place to a vacancy which is not notified under Rule 6(2) of 2021 Rules. If the competent authority is permitted to orally notify the vacancy at the time of counselling, it would defeat the very purpose and object of transfer by counselling. The requirement of notifying the vacancy before counselling is to provide the teaching staff to choose the place of their own choice taking note of the pros and cons of the place of available vacancy. In other words, while choosing a place the government servant shall take into consideration the hardship that would be caused or education of the children or well being of the aged parents. In the light of the above, the respondents could conduct counselling only to the vacancies notified under Rule 6(2) of 2021 Rules. The competent authority cannot orally inform about the vacancy at the time of counselling or it would not be permissible to display the vacancy which is not notified under Rule 6(2) of 2021



Rules, on the date of counselling. Further, the competent authority shall notify all the vacancy available as on the date of notifying the vacancy in terms of Rule 6(2) of Rules, 2021.

17. In the light of the above, the respondents are directed to conduct transfer counselling only to the vacancy notified under Rule 6(2) of 2021 Rules and such vacancy shall be notified under Rule 6(2) of 2021 Rules well in advance or minimum 3 days prior to the date of counselling.

18. With the above, the writ petition stands ***disposed of.***

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

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

NC
CT:bms