



CNR: KAHC010412172026

NC: 2026:KHC:45583-DB
WA No. 1612 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1612 OF 2026 (S-RES)

BETWEEN:

SMT. NAVEEN T M,
W/O RAVINDRA H M,
AGED ABOUT 47 YEARS,
WORKING AS ASSISTANT PROFESSOR IN
GEOGRAPHY
P L N FIRST GRADE COLLEGE,
PURIGALI, MALAVALLI TALUK,
MANDYA DISTRICT-571 463.

...APPELLANT

(BY SRI. M.S.NAGARAJA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT
M S BUILDING, BENGALURU-560 001.
2. THE COMMISSIONER,
DEPT OF COLLEGIATE AND
TECHNICAL EDUCATION DEPARTMENT,
UNNATHA SHIKSHANA SOUDHA,
SHESHADRI ROAD,
BENGALURU-560 001.
3. THE REGIONAL JOINT DIRECTOR,
DEPT OF COLLEGIATE EDUCATION,
VINOBA ROAD, MYSURU-570 005.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



**NC: 2026:KHC:45583-DB
WA No. 1612 of 2026**

CNR: KAHC010412172026

4. THE SECRETARY
NAVACHETHANA SOCIAL AND
EDUCATIONAL SOCIETY (R)
NO.26, 1ST B CROSS, RMV EXTENSION,
BENGALURU-560 080.
5. THE PRINCIPAL,
PLN FIRST GRADE COLLEGE,
PURIGALI, MALAVALLI TALUK,
MANDYA DISTRICT-571 463.

...RESPONDENTS

(BY SRI.SUDEV HEGDE, AGA FOR R1)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED
BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN
WP NO.35238/2024 DATED 02/04/2026 AND ALLOW THE WRIT
PETITION FILED BY THE PETITIONER IN WP NO.35238/2024.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal has been filed impugning the
judgment and order dated 02.04.2026 passed by the
learned Single Judge of this Court in W.P.No.35238/2024
(S-RES).



CNR: KAHC010412172026

2. For the sake of convenience, the parties are hereinafter referred to as they are arrayed before the learned Single Judge.

3. The petitioner is working as an Assistant Professor in Geography at P.L.N. First Grade College, Purigali, Malavalli Taluk, Mandya District. She was appointed by the 4th respondent–Society on 01.01.2018 on probation for a period of two years. The post in question had fallen vacant on account of the retirement of Sri V. Mariswami on 11.05.2015 and the State Government had subsequently permitted the 4th respondent–Society to fill up the said vacant post. The petitioner, being a member of the Scheduled Caste community, contended that the post was required to be filled by following the reservation roster applicable to the Scheduled Caste category.

4. The grievance of the petitioner arose when the second respondent, by order dated 20.07.2024, permitted the change of the reservation roster and directed that the



**NC: 2026:KHC:45583-DB
WA No. 1612 of 2026**

CNR: KAHC010412172026

vacant post of Assistant Professor in Geography be filled under the General Merit category, on the ground that the post was a single post and could not be reserved. The petitioner contended that she had already been appointed against the sanctioned vacant post and being a Scheduled Caste candidate, was entitled to continue against the said post. She, therefore, approached this Court seeking quashing of the said order and for a direction to the respondents to consider her request for regular appointment and to regularise her services against the vacant grant-in-aid post.

5. The State and the fourth respondent-Management opposed the petition contending that the petitioner had been appointed only on probation and that her probation had neither been declared nor had her services been confirmed. It was therefore contended that the petitioner had no vested right to claim regular appointment against the post or to question the change in the reservation roster. The respondents further submitted



CNR: KAHC010412172026

that the fourth respondent is an aided institution receiving grant-in-aid from the State Government and consequently, the appointment to the post was required to be made strictly in accordance with the procedure prescribed by the Government.

6. The respondents further justified the impugned order on the ground that the post was a single post and that reservation could not be applied to a single isolated post. During the pendency of the proceedings, pursuant to the interim order of this Court, the petitioner was also permitted to participate in the selection process. The selection was thereafter conducted in accordance with the prescribed procedure, and one Dr.Siddaraju C.S. was placed first in the merit list. The material placed before the Court showed that the petitioner secured 57 marks and stood at Sl.No.14, whereas consideration was confined to the first five candidates. Thus, according to the respondents, even on the subsequent developments, there



CNR: KAHC010412172026

was no basis to continue the petitioner against the post or to interfere with the selection process.

7. Having considered the rival submissions and the material on record, the learned Single Judge found that the petitioner's appointment order dated 01.01.2018 itself made it clear that she was appointed only on probation for a period of two years. There was no material placed before the Court to establish that her probation had been declared or that her services had been confirmed. Merely because the petitioner was permitted to continue working as an Assistant Professor, she could not claim a vested right to the post or contend that she was entitled to question the subsequent change in the reservation roster. The learned Single Judge, therefore, held that the petitioner had failed to establish any enforceable right arising from her provisional appointment.

8. The Court also took note of the subsequent selection process undertaken during the pendency of the



CNR: KAHC010412172026

writ petition. The petitioner herself had participated in the selection pursuant to the recruitment notification, but secured only 57 marks and stood at Sl.No.14, whereas the zone of consideration was restricted to the first five candidates. In these circumstances, even on the subsequent events, there was no justification for interfering with the impugned order or the selection process. The petitioner was, however, granted liberty to submit a fresh representation to respondent Nos.4 and 5 regarding her grievance relating to non-payment of salary, which was directed to be considered in accordance with law. For these reasons, the learned Single Judge found no merit in the writ petition and dismissed the same.

9. Aggrieved by the order passed by the learned Single Judge, the petitioner has preferred the present appeal on the following grounds:

That the learned Single Judge erred in holding that the petitioner, having been appointed only on probation, had no locus to question the subsequent change in the



CNR: KAHC010412172026

reservation roster. It is contended that the petitioner was admittedly appointed and was working as an Assistant Professor in Geography against the vacant post in the 5th respondent-College. According to the petitioner, the 4th respondent-Management had obtained necessary permission from the State Government to fill up the vacant post, and pursuant to the Government Circular dated 01.09.2017 permitting aided institutions to fill up posts which had fallen vacant on or before 31.12.2015, the petitioner was appointed against the vacancy caused by the retirement of Sri V. Mariswamy on 11.05.2015. It is therefore contended that the learned Single Judge failed to appreciate that the petitioner was already discharging her duties against the very post in question and that the subsequent action of altering the reservation roster was contrary to law.

It is further contended that the State Government had initially identified the said post under the Scheduled Caste reservation roster by its order dated 27.05.2019,



**NC: 2026:KHC:45583-DB
WA No. 1612 of 2026**

CNR: KAHC010412172026

but subsequently, by the order impugned therein dated 20.07.2024, directed that the post be filled under the General Merit category. According to the petitioner, once she had already been appointed against the sanctioned vacant post and was working on a full-time basis, there was no justification for treating the post as a fresh vacancy and commencing a fresh selection process. The petitioner also contended that, although her appointment was initially described as being on probation for two years, the learned Single Judge failed to appreciate the circumstances in which she had been appointed and the fact that she had continued to discharge her duties thereafter. It was further submitted that the petitioner had submitted several representations questioning the change in the roster and seeking regularisation of her services, but the same were not properly considered by the authorities. On these grounds, the petitioner contended that the findings recorded by the learned Single Judge



were erroneous and sought setting aside of the impugned order and consequential reliefs.

10. We have heard the arguments of Sri.M.S.Nagaraja, learned counsel for the petitioner and Sri.Sudev Hegde, learned Additional Government Advocate for the State and perused the material available on record.

11. Now the only question that arises for our consideration is,

"Whether the order passed by the learned Single Judge calls for interference by this Court in the present intra-court appeal?"

12. Having heard the learned counsel for the parties and having carefully considered the material on record, we are of the view that the petitioner has not made out any ground for interference with the order passed by the learned Single Judge. The learned Single Judge has rightly noticed that the petitioner was appointed by the 4th respondent only on probation for a period of two years and that there was no material to show that her probation was



CNR: KAHC010412172026

declared or that her services were confirmed. Mere continuance in service after the expiry of the probationary period, in the absence of an order of confirmation or any other material establishing such confirmation, would not by itself confer upon the petitioner a vested right to the post.

13. The contention that the petitioner was working against the vacant post and was, therefore, entitled to question the subsequent change in the reservation roster also cannot be accepted. The petitioner was required to establish a subsisting and enforceable right in respect of the post before challenging the decision of the authorities. In the absence of confirmation of her appointment, the petitioner cannot claim an indefeasible right to continue against the post merely because she had been permitted to work there. The learned Single Judge has therefore rightly held that the petitioner had failed to establish the necessary locus to challenge the change in the roster.



CNR: KAHC010412172026

14. We also find no infirmity in the decision of the authorities to proceed with the selection process pursuant to the impugned recruitment notification. Significantly, during the pendency of the writ petition, the petitioner herself was permitted to participate in the selection process. The selection was thereafter conducted by a duly constituted committee, and the petitioner participated in the process. However, she secured 57 marks and stood at Sl.No.14, whereas only the first five candidates were within the zone of consideration. Thus, even on the subsequent events, the petitioner has not demonstrated that she would have secured the post or that any prejudice has been caused to her by the continuation of the selection process.

15. It is also relevant that the petitioner has not been able to demonstrate any illegality or perversity in the order dated 20.07.2024 by which the reservation roster was altered. The learned Single Judge, after considering the material placed before the Court, found that the



impugned order could not be said to be contrary to law. The appellate jurisdiction cannot be invoked merely because the appellant seeks a different view of the matter, particularly when the finding recorded by the learned Single Judge is a possible view based on the material on record.

16. The subsequent selection process also substantially changes the circumstances in which the challenge was originally brought. The post has been subjected to a fresh selection process, in which the petitioner herself participated and a candidate securing the highest marks was selected. The material on record further discloses that the selection proceedings were duly conducted by a committee constituted in accordance with the prescribed procedure. Therefore, there is no justification at this stage to unsettle the selection process merely on the basis of the petitioner's earlier appointment on probation.



17. Insofar as the petitioner's grievance regarding non-payment of salary is concerned, the learned Single Judge has already reserved liberty to her to submit a fresh representation to respondents Nos.4 and 5, who have been directed to consider the same in accordance with law. Thus, the petitioner has not been left without a remedy in respect of that grievance.

18. For the aforesaid reasons, we find no error, illegality or perversity in the order passed by the learned Single Judge warranting interference in the present intra-court appeal. The petitioner has failed to establish any enforceable right to the post or any prejudice warranting interference with the subsequent selection process.

Accordingly, the appeal is dismissed.

The impugned order passed by the learned Single Judge is hereby affirmed.



**NC: 2026:KHC:45583-DB
WA No. 1612 of 2026**

CNR: KAHC010412172026

The liberty already reserved to the petitioner in respect of her claim for salary shall remain intact.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 2 SI No.: 5