



CNR: KAHC010419662025

NC: 2026:KHC:39851
WP No. 19522 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 19522 OF 2025 (S-RES)

BETWEEN:

DR SHARADINI
W/O DR. NAVEEN KUMAR P
AGED ABOUT 42 YEARS,
WORKING AS ASSISTANT PROFESSOR
DEPARTMENT OF OBG
BANGALORE MEDICAL COLLEGE &
RESEARCH INSTITUTION
K R ROAD, FORT,
BANGALORE - 560 002.

...PETITIONER

(BY SRI. D ASWATHAPPA, ADVOCATE FOR
SRI. H SUBRAMANI, ADVOCATE AND
SMT. K N RANI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT,
DEPT OF HEALTH AND FAMILY WELFARE
BENGALURU - 560001.
2. THE DEAN-CUM-DIRECTOR
BANGALORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE (BMCRI)
K R ROAD, FORT
BENGALURU - 560002.

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA



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3. DR. ASHOK KUMAR H S
ASSISTANT PROFESSOR
4. DR. RASHMI KUMAR KARNING
ASSISTANT PROFESSOR
5. DR. MANUJ N
ASSISTANT PROFESSOR

THE RESPONDENTS 3 TO 5
ARE WORKING AT DEPARTMENT OF OBG
BANGALORE MEDICAL COLLEGE AND RESEARCH
INSTITUTE (BMCRI),
K R ROAD, FORT,
BANGALORE - 560 002.

...RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1
SRI. MOHAMMED AYUB ALI, ADVOCATE FOR R2
R3 SERVED
SRI. SAGAR B B., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO:

- (i) ISSUE A WRIT OF CERTIORARI OR ANY
OTHER WRIT, ORDER OR DIRECTION TO
QUASH THE ENDORSEMENT BEARING
No.BMCRI/C(1)/64/2016-17 DATED 09-
06-2025, ISSUED BY THE SECOND
RESPONDENT PRODUCED AS
ANNEXURE-AB.
- (ii) TO ISSUE A WRIT OF MANDAMUS OR
ANY OTHER WRIT, ORDER OR
DIRECTION, DIRECTING THE SECOND
RESPONDENT TO TREAT THE DATE OF
ENTRY INTO SERVICE OF THE
PETITIONER AS SENIOR RESIDENT AS
19-01-2017 INSTEAD OF 17-06-2017 IN



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TERMS OF THE CORRIGENDUM DT.
28-03-2022 AT ANNEXURE-W.

- (iii) TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION, DIRECTING THE SECOND RESPONDENT TO COUNT THE LEAVE PERIOD FROM 19.01.2017 TO 16.06.2017 WHICH INCLUDES PRE-AND POST DELIVERY PERIOD AND ALSO CHILD CARE LEAVE OF 105 DAYS AS MATERNITY LEAVE WITH FULL PAY AS DEEMED CONTINUITY OF SERVICE AND ALL CONSEQUENTIAL SERVICE BENEFITS.
- (iv) TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION, DIRECTING THE SECOND RESPONDENT TO GIVE EFFECT PROMOTION TO THE PETITIONER AS ASSISTANT PROFESSOR IN THE DEPARTMENT OF OBG FROM THE DATE OF HER JUNIORS I.E., RESPONDENTS:3-5 WERE PROMOTED THE SAID POST AS ON 08.11.2019 VIDE ANNEXURE-Q, INSTEAD OF 15-09-2020 ON WHICH DATE THE PETITIONER HAS BEEN GIVEN ALLEGED PROMOTION WITHOUT COUNTING THE MATERNITY LEAVE PERIOD AND BY ALTERING HER SENIORITY IN RANK BELOW HER JUNIORS I.E., RESPONDENTS:3-5. OR
- (v) TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION, DIRECTING THE SECOND RESPONDENT TO RE-DO THE FINAL SENIORITY LISTS OF THE YEARS 2021, 2022, 2024 AND 2025 ISSUED FOR THE



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POST OF 'ASSISTANT PROFESSOR' IN THE DEPARTMENT OF OBG PRODUCED AS ANNEXURES:S,V,Y AND Z PLACING THE PETITIONER ABOVE THE NAMES OF HER JUNIORS I.E., RESPONDENTS 3-5 WITH EFFECT FROM 08.11.2019 (ANNEXURE-Q) BY MAINTAINING THE SENIORITY SHOWN IN THE FINAL SENIORITY LIST OF THE YEARS 2018 AND 2019 PRODUCED AS ANNEXURES:K & L

- (vi) TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION, DIRECTING THE SECOND RESPONDENT TO SANCTION THE MATERNITY LEAVE OF 105 DAYS AS LEAVE WITH PAY AND TO COUNT THE SAID PERIOD FOR ALL SERVICE CONDITIONS WITH MONETARY BENEFITS.

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

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

ORAL ORDER

1. The petitioner has filed this writ petition seeking following reliefs:

- (i) issue a writ of certiorari or any other writ, order or direction to quash the endorsement bearing No.BMCRI/C(1)/64/2016-17 dated



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09.06.2025, issued by the second respondent produced as Annexure-AB.

- (ii) to issue a writ of mandamus or any other writ, order or direction, directing the second respondent herein to treat the date of entry into service of the petitioner as Senior Resident as 19-01-2017 instead of 17-06-2017 in terms of the corrigendum dated 28-03-2022 at Annexure-W.
- (iii) to issue a writ of mandamus or any other writ, order or direction, directing the second respondent to count the leave period from 19.01.2017 to 16.06.2017 which includes pre-and post delivery period and also child care leave of 105 days as maternity leave with full pay as deemed continuity of service and all consequential service benefits.
- (iv) to issue a writ of mandamus or any other writ, order or direction, directing the second respondent to give effect promotion to the petitioner as assistant professor in the department of OBG from the date of her juniors i.e.,



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respondents:3-5 were promoted the said post as on 08.11.2019 vide annexure-q, instead of 15-09-2020 on which date the petitioner has been given alleged promotion without counting the maternity leave period and by altering her seniority in rank below her juniors i.e., respondents:3-5. Or

- (v) to issue a writ of mandamus or any other writ, order or direction, directing the second respondent to re-do the final seniority lists of the years 2021, 2022, 2024 and 2025 issued for the post of 'Assistant Professor' in the department of OBG produced as Annexures: S, V, Y and Z placing the petitioner above the names of her juniors i.e., respondents 3-5 with effect from 08.11.2019 (Annexure-Q) by maintaining the seniority shown in the final seniority list of the years 2018 and 2019 produced as Annexures: K & L
- (vi) to issue a writ of mandamus or any other writ, order or direction, directing the second respondent to sanction the maternity leave of 105 days as leave with pay and to count the said period for all



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service conditions with monetary
benefits.”

2. Brief facts leading rise to the filing of this writ petition as follows:
3. Respondent No.2 invited applications from the eligible candidates to fill up the post of Senior Resident under the notification dated 25.02.2016. Pursuant to the said notification, the petitioner had applied for the post of Senior Resident and participated in the selection process. The petitioner was selected and appointed as a Senior Resident in respondent No.2 - Institution.
4. As on the date of appointment, the petitioner was pregnant of 27 weeks. Condition No.6 of the notification dated 16.01.2017, provided that those, who were pregnant for 12 weeks and above, are allowed to join the institution 6 weeks after the delivery. In terms of the said condition, the



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petitioner submitted a representation dated 19.01.2017. The said representation was considered and an Official Memorandum dated 09.02.2017 was issued. Respondent No.2 permitted the petitioner to report for duty after 6 weeks from the date of delivery by producing the medical records and certificate from the Medical Board. Accordingly, the petitioner reported for duty on 09.05.2017.

5. Subsequently, the petitioner was issued with a Fitness/Movement Order on 16.06.2017 posting her as a Senior Resident at Obstetrics and Gynecology (OBG) Wing of the Institute. Accordingly, the petitioner reported for duty at the Department of OBG as a Senior Resident on 17.06.2017.
6. On 21.06.2017, the petitioner submitted an application for Leave Without Pay from 23.06.2017 to 05.10.2017, and after the petitioner reported back as a Senior Resident on 06.10.2017, the



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Government, vide letter dated 29.10.2018, rejected the request of the petitioner for sanction of 105 days leave stating that there is no provision to treat the same as maternity leave and as such, treated the same as Leave Without Pay. The petitioner's date of appointment was taken as 22.06.2017.

7. The petitioner aggrieved by the Order passed by the Government dated 29.10.2018, preferred a writ petition in W.P. No.50401 of 2019.
8. This Court, vide Order dated 11.08.2021, allowed the writ petition and directed the respondents to consider the date of entry into service of the petitioner from the date of appointment i.e., 16.01.2017.
9. Pursuant to the order passed by this Court in the aforesaid writ petition, the petitioner submitted a representation vide Annexure-U dated 01.09.2021 requesting the respondents to consider her date of entry into service as 16.01.2017 in the final seniority



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list of Assistant Professor published as on 01.01.2021 and to review the final seniority list.

10. Despite the submission of the said presentation, the respondents did not consider the same.
11. The petitioner filed a contempt petition in CCC No.127 of 2022. Respondent No.2 filed a memo in the said contempt petition stating that the order of the learned Single Judge was complied with and the petitioner's name in the Seniority List was entered from the date of her reporting to duty as 19.01.2017 and in pursuance of the order of appointment dated 16.01.2017, and the said amendment has been effected in the seniority list. Based on the memo filed by respondent No.2, the contempt proceedings were dropped.
12. Respondent No.2, instead of complying with the order passed in the aforesaid petition, did not consider the name of the petitioner in the Seniority



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List and on the contrary, has shown the name of the petitioner below respondent Nos.3 to 5, who are juniors to the petitioner and also delayed promotion for 1 year to the petitioner. Hence, this writ petition.

13. Respondent No.2 filed a statement of objections, admitting that respondent No.2 has issued a recruitment notification dated 25.02.2016 and pursuant to the said notification, the petitioner has applied for the post of Senior Resident and accordingly, she was selected and appointed as a Senior Resident and she was posted in the OBG Department in respondent No.2-Institution.
14. It is contended that the petitioner was permitted to join the duty after being declared medically fit by the Medical Board on 16.06.2017. Pursuant to which, she reported for duty on 17.06.2017. The petitioner delivered a child on 25.03.2017 and reported to duty on 17.06.2017. After few days of joining, she again



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applied for leave from 23.06.2017 to 05.10.2017.

The said leave application was rejected.

15. It is contended that as per Section 5(2) of the Maternity Benefit Act, 1961 (for short, '**the Act**'), entitlement to the maternity benefit is subject to the condition that the employee must have actually worked for not less than 80 days in 12 months immediately preceding the expected date of delivery.
16. In the present case, the petitioner had not satisfied the condition mentioned in subsection (2) of Section 5 of the Act. It is also contended that the seniority and eligibility for promotion are governed by the actual service rendered and successful completion of probation, and not on merely by the date of issuance of appointment order.
17. In the instant case, the petitioner effectively commenced her duty only from 17.06.2017. Thereafter, she remained absent for a prolonged



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period. It is also contended that respondent No.2 has complied the directions issued by this Court from time to time and that corrigendum dated 28.03.2022 correcting the date of entry into the service does not automatically entitle the petitioner to claim continuity of service for the periods during which she was not on duty. Hence, prays to dismiss the petition against respondent No.2.

18. Heard the arguments of the learned counsel for the petitioner, learned counsel for respondent No.2 and learned Additional Government Advocate for the respondent-State.
19. Learned counsel for the petitioner submits that the petitioner was selected and an appointment order was issued to her on 16.01.2017. As on the date of appointment, the petitioner was pregnant for 27 weeks. He submits that pursuant to the appointment, the date of entry has to be considered from the date



of appointment. He also submits that the petitioner approached this Court in the WP No.50401 of 2019. This Court directed respondent No.2 to consider the service of the petitioner from the date of appointment i.e., 16.01.2017. The petitioner did not comply with the directions issued by this Court in the aforesaid petition.

20. The petitioner filed a Contempt petition and respondent No.2 filed a memo in the Contempt Petition stating that they have complied with the directions issued by this Court. He also submits that the petitioner has produced Annexure 'A', i.e., the seniority list of OBG Department, which clearly discloses that petitioner is at Sl.No.5 and respondent Nos.3, 4 and 5 are at Sl.Nos.7, 9 and 10. He submits that respondent Nos.3, 4 and 5 are juniors to the petitioner and in the subsequent seniority list, they have been shown as a seniors to the petitioner.



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21. He also submits that the petitioner has produced Annexure-B, and even in that, the name of the petitioner is shown at Sl.No.6. In the seniority list of the year 2022, wherein the name of the petitioner was shown below respondent Nos.3, 4 and 5. Similarly, in the seniority lists of 2024 and 2025, name of the petitioner was shown below the names of respondent Nos.3, 4 and 5. He also submits that the petitioner is eligible for promotion with effect from 08.11.2019 instead of 15.09.2020, the date on which respondent Nos.3 to 5 were promoted (Annexure-S). He submits that the action of respondent No.2 is arbitrary and erroneous. Hence, on these grounds, he prays to allow the writ petition.

22. *Per contra*, learned counsel for respondent No.2 submits that the petitioner has joined the service under respondent No.2 as a Senior Resident and she reported to duty on 19.01.2017 pursuant to the appointment order issued on 16.01.2017. After the



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child birth on 25.03.2017 and the petitioner was issued a fitness/movement order on 16.06.2017, posting the petitioner as a Senior Resident at OBG Department on 16.06.2017. The petitioner reported to duty on 17.06.2017. The petitioner again applied for leave from 23.06.2017 to 05.10.2017 for child care purposes. He submits that there is no provision to treat the same as a maternity leave and treated the same as leave without pay. The petitioner's date of appointment was taken as 22.06.2017, which is correct and he also submits that as per Section 5(2) of the Act, the petitioner is entitled to maternity benefit is subject to the condition that the employee must have actually worked for not less than 80 days in the 12 months immediately preceding the expected date of delivery. He submits that the petitioner had not satisfied the mandatory requirement as per subsection 2 of Section 5 of Act. Hence, the respondents have considered the



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seniority and eligibility for promotion accordingly. Hence, the action of respondent No.2 in publishing the impugned seniority list is in accordance with the rules and Regulations. Hence, on these grounds, prays to dismiss the petition.

23. Learned Additional Government Advocate adopts the argument of the learned counsel for respondent No.2.
24. Perused the records and considered the submissions of the learned counsel for the respective parties.
25. It is an undisputed fact that respondent No.2 has issued a recruitment notification inviting applications for the vacant posts of Senior Resident in different departments on 25.02.2016. Pursuant to the said notification, the petitioner and others have participated in the selection process. The petitioner was selected and appointed as a Senior Resident, and in the provisional list, the petitioner was placed



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at Sl.No.5 and other respondents were shown at Sl.Nos.7, 9 and 10 as per Annexure-A. The appointment order was issued to the candidates who were selected to the vacant post of Senior Resident on 16.01.2017, notifying the period of probation as 2 years, with certain terms and conditions and with the fixation of pay scale, as per Annexure-B, wherein the petitioner has been shown as the senior among the petitioner and respondent Nos.3 to 5.

26. The petitioner reported to duty as a Senior Resident on 19.01.2017. On 19.01.2017, she was already pregnant of 27 weeks. As per condition No.6 of the appointment order vide Annexure-B, she submitted a letter dated 19.01.2017 for leave till the delivery and 6 weeks post delivery leave, vide Annexure-C. Considering her request, the authority of respondent No.2 granted leave till delivery and 6 weeks leave of post-delivery for joining the duty, as per the Act.



27. The petitioner has undergone caesarean section due to acute health reason and delivered a baby on 25.03.2017. The petitioner requested the authority of respondent No.2 vide letter dated 09.05.2017, permitting her to join the duty, having completed six weeks leave of post delivery period. The Medical Board of respondent No.2 gave a fitness order/movement order to respondent No.2 to permit the petitioner to join the duty. Pursuant to the report of the Medical Board, the petitioner vide letter dated 17.06.2017 joined her duty, as acknowledged by the authority vide Annexure-G.
28. On 21.06.2017, the petitioner applied for leave to take care of her baby for the period from 23.06.2017 to 05.10.2017. However, respondent No.2 rejected the petitioner's request.
29. The petitioner approached this Court in W.P. No.50401 of 2019 challenging the communication



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dated 29.10.2018, rejecting the grant of leave of 105 days i.e. from 23.06.2017 to 05.10.2017. This Court vide order dated 11.08.2021, had recorded its finding at paragraph Nos.8 to 12 as follows:

"8. Admittedly at the request of petitioner, the 2nd respondent by its Official Memorandum dated 09.02.2017 permitted the petitioner to report to duty 6 weeks after delivery by producing Medical Certificate from Medical Board of Victoria Hospital. Accordingly, 6 weeks after delivery, petitioner reported to duty on 09.05.2017 and produced Medical Certificate from Medical Board of Victoria Hospital dated 11.05.2017. Movement order was issued on 16.06.2017 posting the petitioner as Senior Resident of OBG Department in the 2nd respondent-Institute. Government Order (Annexure-H) dated 14.06.2012 entitles a female government servant maternity leave of 180 days. Pursuant to the movement order petitioner reported to duty on 21.06.2017. Hence from 16.01.2017 i.e., the date of order of appointment till the



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petitioner reported to duty on re-posting, it could be said that petitioner availed maternity leave of 156 days. Thus the petitioner would be entitled for balance 24 days of maternity leave.

9. The right to maternity leave is an essential element of the fundamental right to life as far as woman employee is concerned. A woman employee cannot be compelled to choose between the motherhood and employment. The State has the responsibility to see that all facilities, which are needed for woman in service is provided. Article 42 of the Constitution of India, the directive principles of State Policy provides for making provision for securing just and humane conditions of work and for maternity relief. The State is obligated to make provision for just and humane conditions of work and for maternity relief. Maternity leave means, leave granted to a woman before and after the birth of her child. A mother's well being is of utmost importance in rearing or bringing up of the child. As a matter of



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right a woman would be entitled to maternity leave.

10. The contention of the 2nd respondent-Institute that petitioner has reported to duty only after 6 weeks after she gave birth to child and till she reports to duty she would not be considered as a government servant, hence she would not be entitled to maternity leave, is merit less in the facts of the present case. The terms and conditions of appointment, permits the petitioner on obtaining permission to report to duty 6 weeks after the delivery in case of a candidate, who is pregnant of 12 weeks as on the date of issuance of order of appointment i.e., 16.01.2017. For the purpose of sanction of maternity leave in the peculiar facts and circumstances of the present case, the petitioner would become government servant from the date of issuance of order of appointment dated 16.01.2017.

11. Normally a candidate selected and appointed shall report to duty not later than 15 days from the date of order of appointment in terms of Rule 18 (1) of



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the 1977 Rules. Rule 18(1) and (2) of 1977 Rules reads as follows :-

"18. Joining time for appointment.-(1) A candidate appointed by direct recruitment shall assume charge of the post specified by the Appointing Authority as soon as possible after the date of the order of appointment, but not later than [fifteen days] from this date"

Explanation.- For the purposes of this subrule "the date of the order of appointment" means the date of despatch of the order of appointment by registered post to the address given by the candidate.

(2) Notwithstanding anything contained in sub-rule (1), the Appointing Authority may, on the application of the candidate and if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.

(3)....."

A reading of the above Rule 18(2) makes it abundantly clear that notwithstanding anything contained in sub-Rule (1) on an application by the appointed candidate, the appointing authority on satisfying with the reasons, by order in writing grant such further time as it may deem



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necessary for reporting to duty. In the instant case, as stated earlier the 2nd respondent had permitted the petitioner to report to duty 6 weeks after the date of delivery. In view of further time granted by the 2nd respondent appointing authority to report to duty 6 weeks after the date of delivery, it is deemed that petitioner has reported to duty within the time granted by the 2nd respondent-Institute in its order of appointment. It is only extension of time to report to duty. Therefore, the date of reporting insofar as the petitioner is concerned in view of the permission granted under Official Memorandum dated 09.02.2017 (Annexure-C) shall be taken as the date of order of appointment itself i.e., 16.01.2017 and the petitioner would be entitled for counting her service from the said date for all purposes.

12. For the reasons stated above, the writ petition is ***partly allowed***. Annexure-M bearing No.AaKuKa 173 MMC 2018 dated 29.10.2018 is quashed. The 2nd respondent- Institute is directed to reconsider the request of the petitioner



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for sanction of entitled maternity leave and balance period may be regulated in accordance with the provisions of Karnataka Civil Services Rules. Further the date of entry into service of the petitioner shall be considered from the date of appointment i.e., 16.01.2017.”

30. From the perusal of the order passed in the aforesaid writ petition, it clearly discloses that respondent No.2 has taken a similar contention in the earlier writ petition as well. The Co-ordinate Bench of this Court has negated the said contention of respondent No.2 and while allowing the writ petition in part, has directed respondent No.2-Institution to reconsider the request of the petitioner for sanction of entitled maternity leave and to regulate the balance period in accordance with the provisions of Karnataka Civil Service Rules. Further, it was directed that the date of entry into service of the petitioner be considered from the date of her appointment i.e., on 16.01.2017.



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31. Pursuant to the order passed by this Court, the petitioner has submitted a representation vide Annexure-U on 01.09.2021 to comply the order passed by this Court. The respondent, instead of complying the directions issued by this Court, published the seniority list for the year 2022 vide Annexure-V showing the name of the petitioner at Sl.No.14 and respondent Nos.3 to 5 were shown at Sl.Nos.11, 12, 13, i.e., above the petitioner, even though the petitioner is senior to respondent Nos.3 to 5.
32. The seniority list published in 2022 is contrary to Annexure-A, wherein the name of the petitioner was shown at Sl.No.5 and the names of respondent Nos.3 to 5 were shown at Sl.Nos.7, 9 and 10.
33. The petitioner filed a contempt petition in CCC No.127 of 2022, wherein respondent No.2 filed a memo stating that pursuant to the order passed by



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this Court in the aforesaid writ petition, the name of the petitioner in the seniority list has been entered from the date of her reporting to duty i.e., on 19.01.2017 which is in pursuance of the order of appointment dated 16.01.2017 and the amendment has been effected in the seniority list accordingly.

34. From the perusal of the amended seniority list, it does not disclose the ranking of the petitioner above respondent Nos.3 to 5. On the contrary, the name of the petitioner was shown at Sl.No.14 and below respondent Nos.3 to 5, even though respondent Nos.3 to 5 are the juniors to the petitioner.
35. This Court has specifically directed respondent No.2 to consider the date of entry into service of the petitioner from the date of her appointment i.e., from 16.01.2017. Despite the same, respondent No.2 has considered the date of entry into service of the petitioner as on 22.06.2017, which is in contrary



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to the directions issued by this Court in W.P. No.50401 of 2019. It is pertinent to note that, the petitioner has also been denied promotion for more than one year. It clearly discloses that respondent No.2 is acting contrary to the interest of the petitioner.

36. The petitioner approached this Court in W.P. No.13712 of 2022, seeking for a mandamus directing respondent No.2 to declare the satisfactory completion of her probation period on 18.01.2019 itself treating the date of entry into service as 19.01.2017 as a Senior Resident. This Court, vide order dated 04.02.2025 disposed of the writ petition directing respondent No.2 to consider the representation dated 09.05.2022 and pass an appropriate order in accordance with law.

37. Respondent No.2 has issued an endorsement on 09.06.2025 vide Annexure-AB without considering



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the case of the petitioner in a right prospective.
Thus, the action of respondent No.2 in publishing the seniority lists for the years from 2022 to 2026 is contrary to Annexure-A.

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

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned endorsement dated 09.06.2025 issued by respondent No.2 vide Annexure "AB" is hereby ***quashed***.
- (iii) Respondent No.2 is directed to treat the date of entry into service of the petitioner as a Senior Resident as 16.01.2017 instead of 22.06.2017,



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in terms of the Corrigendum dated
28.03.2022 vide Annexure-W.

- (iv) As far as claim No.3 is concerned,
same has been already considered
by the Co-ordinate Bench of this
Court in W.P. No.50401 of 2019.
- (v) Respondent No.2 is directed to
reconsider the case of the
petitioner, along with all the
consequential benefits, and
promotion as "Assistant Professor"
in the Department of OBG from the
date of her juniors i.e., respondent
Nos.3 to 5 were promoted to the
said post as on 08.11.2019 vide
Annexure 'Q' instead of 15.09.2020,
within a period of 2 months from



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the date of receipt of a copy of this
order.

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

RK
List No.: 1 Sl No.: 1