

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.1316 OF 2023 (S-R)

BETWEEN:

1 . BANGALORE UNIVERSITY
JNANA BHARATHI
BENGALURU-560 056
REP. BY ITS REGISTRAR

2 . THE FINANCE OFFICER
BANGALORE UNIVERSITY
JNANA BHARATHI
BENGALURU-560 056

...APPELLANTS

(BY SRI. PRASANNA B.R., ADVOCATE)

AND:

1 . SRI. K. RAJA REDDY
S/O LATE K.C. OBUL REDDY
AGED ABOUT 72 YEARS
R/AT. JUNIOR ASSISTANT (RETIRED)
CENTRE FOR ADULT EDUCATION
BANGALORE UNIVERSITY
R/AT No.168, 1ST CROSS

19TH WARD, KENCHANAHALLI
RAJARAJESHWARINAGAR
BENGALURU-560 098

2 . THE STATE OF KARNATAKA
REPRESENTED BY
THE PRINCIPAL SECRETARY
HIGHER EDUCATION DEPARTMENT
(UNIVERSITY)
M.S. BUILDING
BENGALURU-560 001

...RESPONDENTS

(BY SRI. DEEPAK D.C., ADVOCATE FOR R1;
SRI. KIRAN KUMAR, HCGP FOR R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, PRAYING TO SET ASIDE THE IMPUGNED
ORDER DATED 13.09.2023 IN WP No.36989/2010 (S-R) PASSED
BY THE LEARNED SINGLE JUDGE OF THIS COURT AND TO
DISMISS THE WRIT PETITION.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 17.02.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN
J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This writ appeal is filed challenging the Order of the learned Single Judge dated 13.09.2023 in W.P.No.36989/2010 (S-R).

2. We have heard Shri. Prasanna B.R, learned counsel appearing for the appellants, Shri. Deepak D.C, learned counsel appearing for respondent No.1 and Shri. Kiran Kumar, learned High Court Government Pleader appearing for respondent No.2.

3. The writ petition was filed seeking the following reliefs:-

- "(i) Direct the respondents to sanction and release the pension & pensionary benefits payable in respect of the post of Junior Assistant held by the petitioner at the time of retirement by issue of writ of mandamus.*
- (ii) Direct the Respondents to release encashment of 240 days of earned leave by issue of writ of mandamus.*
- (iii) Direct the Respondents to pay interest on the withheld / delayed payment of pension at 12% per annum by a writ of mandamus."*

4. The writ petitioner contended that he was appointed as Junior Assistant on 16.10.1984, initially for a period of six months. The University extended revised pay at Rs.950/- per month to the writ petitioner by proceedings dated 26.08.1993. Thereafter, Annexure - C order was passed on 19.09.1994, regularising the service of the petitioner as Junior Assistant under the National Adult Education Program ('NAEP' for short), in the scale of pay Rs.1040-20-1100-30-1400-1800-50-1900 with usual allowances till the end of the NAEP project. Monetary benefits were to be admissible with effect from 09.08.1994. The writ petitioner continued in the service of the University since the project was ongoing. He retired from service on 30.04.2008. However, the University did not grant him pension and accorded sanction for payment of Rs.43,633/- as final refund of GPF amount accumulated in his account. His request for pensionary benefits and Earned Leave Surrender were rejected, which led to the filing of the writ petition.

5. The respondents filed statement of objections, contending that the writ petitioner was appointed to a project and that he is not entitled to regularisation of service or for pension.

6. The learned Single Judge considered the contentions advanced and found that the petitioner's services stood regularised by Annexure - C proceedings dated 19.09.1994. It was found that the NAEP project was an ongoing project and was not discontinued on any date before the retirement of the writ petitioner. It was held that in view of regularisation of his services, the writ petitioner was to be treated as a regular employee of the University. The writ petition was therefore allowed and the writ petitioner was held entitled to Pension and Earned Leave Encashment. It was specifically noted that the judgment is being rendered having regard to the peculiar facts and circumstances of the case and shall not be treated as a precedent.

7. The learned counsel appearing for the appellants contend that respondent No.1 was appointed for a period of

six months as Junior Assistant with effect from 17.10.1984. Further, respondent No.1 was regularized under the NAEP in the pay scale of Rs.1040-20-1100-30-1400-1800-50-1900 with usual allowance till the end of the NAEP project by the University in year 1994. University Grants Commission ceased the said programme from 1997, therefore, respondent No.1 is not entitled to retirement benefits.

8. It is further contended that respondent No.1 was not appointed by the appointing authority against any sanctioned post by giving advertisement for recruitment according to Cadre and Recruitment Rules of the Bangalore University. It is further contended that the University had replied to the objections filed by respondent No.1 with respect to the seniority list published on 16.04.2007, stating that respondent No.1 was appointed under the NAEP project till the end of the project, therefore was not a regular employee of the University. Further, the inclusion of respondent No.1's name in the 1999 seniority list was a mistake and was rectified in the subsequent list.

9. The learned counsel appearing for the appellant places reliance on the judgment of the Apex Court in ***Director General, Doordarshan Prasar Bharti Corporation of India and Another v. Smt. Magi H. Desai*** passed in ***Civil Appeal No.1787 of 2023***.

10. The learned counsel appearing for respondent No.1 contended that respondent No.1 was entitled for pension and pensionary benefits on par with other employees. The University failed to appreciate the regularisation of services of respondent No.1 in the year 1994, respondent No.1 acquired an indefeasible right to hold the post of Junior Assistant in the University. Further, respondent No.1 was sanctioned earlier leave and annual increment, therefore, was treated on par with other employees of the University.

11. We have considered the contentions advanced and also perused the documents placed on record in the writ petition as well as the materials on record in this writ appeal. It is an admitted case that the writ petitioner had been appointed as a Junior Assistant in the NAEP Scheme on

16.10.1984. It is also not in dispute that the writ petitioner was in uninterrupted service of the University from his date of appointment till his retirement in April 2008. In the interregnum, as observed by the learned Single Judge, there was an order for regularisation of the services for the duration of the project as well.

12. The learned Single Judge had considered the relevant aspects of the matter and had found that the appointment of the writ petitioner was regular in nature and that he was entitled to all the benefits that were provided to regular employees of the University. From a consideration of the Order passed by the learned Single Judge, it is clear that the learned Single Judge has exercised discretion after considering all the relevant aspects of the matter, on a specific finding that the writ petitioner was by no means a backdoor entrant and that the project to which he was appointed was ongoing even on the date of his retirement from service. The fact that the writ petitioner was in service from 16.10.1984 and that the project was still in operation when he retired from service in the year 2008 were also

considered by the learned Single Judge to hold the petitioner eligible for pension.

13. Having considered the contentions advanced, we find absolutely no good grounds made out to interfere with the exercise of discretion by the learned Single Judge. The appeal fails and the same is accordingly ***dismissed***.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*