



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

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

**WRIT PETITION NO. 23824 OF 2023 (S-PRO)**

**BETWEEN:**

SRI.S.B. KRISHNA MURTHY  
S/O BETTEGOWDA  
AGED ABOUT 54 YEARS  
WORKING AS EXECUTIVE ENGINEER  
(DEPUTY DIRECTOR )  
TOWN PLANNING SECTION  
BANGALORE DEVELOPMENT AUTHORITY  
BANGALORE 560 020.

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF RURAL AND PANCHAYATH RAJ  
REP. BY ITS PRINCIPAL SECRETARY  
M.S. BUILDING, BANGALORE 560 001.

2. KARNATAKA RURAL INFRASTRUCTURE  
DEVELOPMENT LIMITED  
REP. BY ITS MANAGING DIRECTOR  
4TH AND 5TH FLOOR  
GRAMEENAABHIVRUDHI BHAVANA  
ANANDA RAO CIRCLE  
BANGALORE 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1:  
SRI. P. PRASAD, ADVOCATE FOR R2)

Digitally signed by  
HEMALATHA A  
Location: HIGH  
COURT OF  
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE RESPONDENTS AND DIRECT THE R-2 TO MAINTAIN THE SENIORITY OF THE PETITIONER IN THE CADRE OF EXECUTIVE ENGINEER (CIVIL) AND PROMOTE HIM TO THE POST OF SUPERINTENDING ENGINEER (CIVIL), FROM THE DATE HIS JUNIORS ARE PROMOTED I.E. FROM 28.09.2022 (ANNEXURE-R) OR 30/08/2023 (ANNEXURE-S) 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**

This writ petition is filed under Articles 226 & 227 of the Constitution of India, seeking the following reliefs:

- "a) CALL for records from the Respondents;*
- b) ISSUE WRIT OF MANDAMUS directing the Respondent No. 2 to maintain the seniority of the Petitioner in the cadre of Executive Engineer (Civil) and promote him to the post of Superintending Engineer (Civil), from the date his juniors are promoted i.e. from 28/09/2022 (Annexure - R) or 30/08/2023 (Annexure S), in the interest of justice and equity;*

*ALTERNATIVELY*



*ISSUE WRIT OF MANDAMUS directing the Respondents to consider and create promotional channel to the post of Superintending Engineer (Structural Engineer) and consider the case of the Petitioner for promotion to the post of Superintending Engineer (Structural Engineer) and promote him to the said post, with all consequential benefits forthwith, in the interest of justice and equity;*

*c) PASS any other order including the costs of this writ petition, in the interest of justice and equity."*

2. The case of the petitioner is that he was appointed to the post of Task Force Commander in the second respondent-Board in the year 1996. Thereafter, on 04.12.2006 (vide Annexure-B), the Board resolved to create the post of Assistant Director Grade-I (Structural Design) by shifting one post of Assistant Director (Civil) and re-designated the same as Assistant Director Grade-I (Structural Design). Since the petitioner possessed a B.E. (Civil) degree along with M.E./M.Tech. in Structural Engineering, the second respondent shifted the petitioner



to the post of Assistant Director Grade-I (Structural Design) on 07.11.2007 (vide Annexure-C).

3. On 01.04.2008, respondent No.2 published a provisional seniority list in the cadre of Assistant Director Grade-I. Although the petitioner had been promoted to the post of Assistant Director Grade-I on 07.11.2007, his name was excluded from the said list. As per the Cadre and Recruitment Rules, there was no promotional avenue from the post of Assistant Executive Engineer (Structural Design) to the post of Executive Engineer (Structural Design). Thereafter, by amendment dated 09.12.2021, the Cadre and Recruitment Rules were amended, and a promotional avenue to the post of Executive Engineer (Structural Design) was created for Assistant Executive Engineer (Structural Design). Subsequently, the petitioner was promoted, by order dated 21.12.2021, to the post of Executive Engineer (Structural Design).



4. There is a promotional avenue from the post of Executive Engineer (Civil) to the post of Superintending Engineer (Civil), whereas there is no promotional avenue for the post of Executive Engineer (Structural Design). Therefore, the petitioner has approached this Court, seeking a direction to amend the Cadre and Recruitment Rules by creating a promotional avenue from the post of Executive Engineer (Structural Design) to the post of Superintending Engineer (Structural Design).

5. The learned HCGP appearing for the State and learned counsel appearing for the second respondent submit that, the petitioner, without submitting any representation, has approached this Court seeking a writ of mandamus. They further contend that this Court cannot direct the State Government to amend the Cadre and Recruitment Rules, as it is a policy decision of the State. In support of their contentions, they relied upon the judgment of the Apex Court in the case of **P.U.JOSHI AND OTHERS vs. THE ACCOUNTANT GENERAL,**



**AHMEDABAD AND OTHERS** reported in **AIR 2003 SC 2156.**

6. They further contend that, if petitioner submits a representation, the respondent - State will consider the same in accordance with law.

7. In view of the above, without expressing any opinion on the merits of the case, this writ petition stands disposed of, reserving liberty to the petitioner to submit a representation to respondent No. 1 within two weeks from the date of receipt of a copy of this order. If such a representation is submitted, respondent No. 1 is directed to consider the same, in accordance with law, as expeditiously as possible, and in any event, not later than six months from the date of receipt of the representation.

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

CM  
LIST NO.: 1 SL NO.: 41