HC-KAR
NC: 2026:KHC:61655
WP No. 7485 of 2015
CNR: KAHC010211822015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 7485 OF 2015 (S-REG)

BETWEEN:

1. JAYANANDA M PADIL
   S/O BABU MOOLYA
   AGED ABOUT 42 YEARS
   ATTENDER, DEPARTMENT OF ELECTRONICS
   MANGALAGANGOTHRI-574 199
   MANGALORE UNIVERSITY
   DAKSHINA KANNADA DITRICT

... PETITIONER

(BY SRI. N. SHESHADRI, ADVOCATE)

AND:

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

1. MANGALORE UNIVERSITY
   MANGALAGANGOTHRI-574 199
   DAKSHINA KANNADA DISTRICT
   REPRESENTED BY ITS REGISTRAR

2. THE SECRETARY,
   HIGHER EDUCATION DEPARTMENT,
   GOVT. OF KARNATAKA,
   ROOM NO.762, 2ND GATE, 7TH FLOOR,
   M.S.BUILDING, BANGALORE-560 001.

... RESPONDENTS

(BY SRI. T P RAJENDRA KUMAR SUNGAY., ADVOCATE FOR R1;
SMT. ASHVINI PATIL, AGA FOR R2)

CNR: KAHC010211822015

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER / ENDORSEMENT DTD.1.3.2010 ISSUED BY RESPONDENT VIDE ANNEXURE-J AND ORDER / ENDORSEMENT DTD.22.3.2011 ISSUED BY RESPONDENT VIDE ANNEXURE-M RESPECTIVELY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner who is stated to be working with the Mangalore University has filed the present petition seeking for setting aside the endorsements at Annexures-J and M and has sought for direction to the respondent to regularize services of the petitioner in the post of Attender or any other equivalent cadre with benefits to be extended after 10 years of service.

2. It is the case of the petitioner that he has completed his SSLC course and had been engaged on monthly honorarium initially in the Mangalore University in terms of Annexure-C. It is further submitted that the petitioner had joined duty in terms of Annexure-D on

02.11.1995. The petitioner has also placed on record the attendance records. The petitioner has also relied on a testimony issued by the Reader and Chairman of Department of Post-Graduate Studies and Research in Electronics, of Mangalore University regarding the satisfactory services being rendered by the petitioner.

3. The petitioner submits that his request for regularization had been rejected in terms of the endorsement dated 01.03.2010 at Annexure-J. In terms of the endorsement at Annexure-J, it is the stand of the University that the petitioner had been engaged on outsource basis and accordingly, his services cannot be regularized.

4. The petitioner has also sought for setting aside the endorsement at Annexure-M, whereby the endorsement dated 22.03.2011 has reiterated the earlier endorsement of 01.03.2010 that petitioner's services have

been engaged on outsource basis and they cannot be regularized.

5. Learned counsel for the respondent - University has filed statement of objections and has contended that the petitioner's service has been engaged initially in relation to a certain project of the UGC and on such terms had been engaged between 02.11.1995 to 30.11.1999. It is further made out from the objections that the petitioner's services were engaged subsequently between 01.12.1999 to 30.06.2006 on humanitarian grounds under the 'Self-Financing Scheme'.

6. It is averred in the statement of objections that the respondent after audit objections have been raised on 15.07.2005, the petitioner's services have been engaged on an outsource basis from July-2006 onwards.

7. It is further averred in the statement of objections that the University has not appointed the

petitioner directly and that there are restrictions for appointment which cannot be made except as provided under the Cadre and Recruitment Rules and without taking note of the restrictions as may be found under the provisions of the Karnataka State Universities Act.

8. Heard both sides.

9. It is not in dispute that the petitioner's services which initially were engaged on 02.11.1995 has continued till date and admittedly the petitioner has been working for about 31 years. The facts made out in the statement of objections itself, are testimony to the engagement of the petitioner though under different capacities. It is only after 2005 it appears that the University has engaged the services of the petitioner through outsource basis.

10. A perusal of the endorsements issued at Annexure-J dated 01.03.2010 would reveal that the question of considering regularization would not arise in

light of petitioner being engaged through outsource agency. Similarly the endorsement at Annexure-M also is on the same lines.

11. Insofar as the legal position is concerned, the Apex Court in the case of ***Jaggo v. Union of India and Others*** reported in ***2024 SCC Online SC 3826*** while noticing the contention of the employees that their long and continuous service be recognised and having taken note of submission of both sides, has made observations at para 25 as follows:

> ***"25.*** *It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:*
>
> - ***Misuse of "Temporary" Labels:*** *Employees engaged for work that is essential,*

recurring, and integral to the functioning of an institution are often labeled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- ***Arbitrary Termination:*** *Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*

- ***Lack of Career Progression:*** *Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.*

- ***Using Outsourcing as a Shield:*** *Institutions increasingly resort to outsourcing roles performed by temporary employees,*

effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- ***Denial of Basic Rights and Benefits:*** *Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."*

Clearly the Apex Court has voiced the view of institutions increasingly resorting to outsourcing roles to be performed by temporary employees, thereby replacing one set of exploited workers with another.

12. It is further clear from the observations of the Apex Court that the Apex Court has frowned upon such practice of outsourcing used as a shield and has further observed that allowing such practices would perpetuate

exploitation and would demonstrate a deliberate effort to bypass obligation to offer regular employment.

13. Subsequently, the Apex Court in the case of ***Dharam Singh and Others v. State of UP and Another*** reported in ***2025 SCC Online SC 1735*** has reiterated the above stand in Jaggo's case and the observations at para 13 reads as follows:

> *"13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not "full-time" employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals."*

In light of the above, the impugned endorsements rejecting regularization only on the ground of outsourcing are required to be set aside.

14. Taking note that the University would contend that in terms of the relevant statutes and legislation, the approval of the State Government may also be required before any proceedings are culminated, it would be appropriate that certain directions be passed including as regards the Government.

15. Taking note of admitted factual position as would emanate from the statement of objections clearly the petitioner has been in the services in different capacities even as per the say of the University under a project under Self-Financing Scheme and Outsourcing right from 1999 from 02.11.1995.

16. In terms of the statement of objections filed by the University, the initial engagement of the petitioner under the project was from 02.11.1995 which extended upto 03.11.1999 and after the project period he was engaged on temporary basis from 01.12.1999 to 30.06.2006 and only after audit objections have been

raised as referred to at para 4 of the statement of objections, it appears that subsequently from July, 2006 petitioner has been engaged though on outsource basis.

17. In light of the discussion made above, the engagement of the petitioner on outsource by itself would not be a disqualification to consider case of regularization. Other aspects to be taken note of by the University which is to make appropriate report and seek for approval of the Government and in its reports set forth all relevant criteria for the purpose of regularization. The Government then would have to pass appropriate orders taking note of the law laid down by the Apex Court. Both entities cannot lose sight of the fact that petitioner has been engaged with the University from 02.11.1995 and continues to work admittedly though in various different capacities serving the University till date. The service rendered for 31 years cannot be lost sight of. Further, both the respondents were dutybound at various points of time when sanctioned

posts were filled up to have taken steps to have accommodated services of the petitioner, and there is no material to demonstrate such action having been taken.

18. In light of the above discussion, the endorsements at Annexure-J and M are set aside. The Respondent No.1 - University and Respondent No. 2 are directed to consider the case of the petitioner for regularization and pass appropriate orders within a period not later than three months from the date of receipt of certified copy of the order. In the event of any practical difficulties, extension of time must be sought for before this Court.

Accordingly, the petition stands ***disposed of*** in terms of the above directions.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR/NP
List No.: 2 Sl No.: 5