HC-KAR

NC: 2026:KHC:63525-DB
WA No. 1489 of 2026

CNR: KAHC010354062026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1489 OF 2026 (S-RES)

BETWEEN:

1. MANGALORE ELECTRICITY SUPPLY COMPANY LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR,
CORPORATE OFFICE, MESCOM BHAVAN,
KAVOOR CROSS ROAD, BEJAI,
MANGALURU 575 001.

2. THE GENERAL MANAGER(ADMIN AND HR),
MANGALORE ELECTRICITY
SUPPLY COMPANY LIMITED,
CORPORATE OFFICE, MESCOM BHAVAN,
KAVOOR CROSS ROAD, BEJAI,
MANGALURU – 575 001.

3. THE ASSISTANT GENERAL MANAGER (ADMIN),
MANGALORE ELECTRICITY
SUPPLY COMPANY LIMITED,
CORPORATE OFFICE, MESCOM BHAVAN,
KAVOOR CROSS ROAD, BEJAI,
MANGALURU – 575 001.

...APPELLANTS

(BY SRI. K N NITISH, ADVOCATE FOR
SRI. K V NARASIMHAN, ADVOCATE)

Digitally signed by MALA K N
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. PRATHIMA BHAT K
W/O HARISH M.G.,
AGED ABOUT 46 YEARS,
RESIDING AT MAMBADY HOUSE,
KAIKUNJE EAST POST, JODUMARGA,
BANTWAL TALUK,

D.K. DISTRICT – 574 219.

…RESPONDENT

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. SUYOG HERELE E, ADVOCATE FOR C/R1 IN CP 6531/26)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT,1961 PRAYING TO A) ALLOW THIS APPEAL AND SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.39916/2018 DATED 05/03/2026 AND B) GRANT SUCH OTHER AND FURTHER RELIEFS.

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 D K SINGH)

The present intra-court appeal has been filed impugning the order dated 05.03.2026 passed by the Writ Court in Writ Petition No.39916/2018 (S-RES) filed by the respondent herein.

2. The parties are referred to as per their rank before the Writ Court for the sake of convenience.

3. The petitioner in pursuance to the advertisement issued by the Mangalore Electricity Supply Company Limited ('**MESCOM'** for brevity) submitted the application for appointment of "Assistant Law Officer" in the respondent/MESCOM. Petitioner was selected after the

interview and appointed to the post of "Assistant Law Officer" for a period of 1 year with effect from 05.07.2010. This contractual appointment of the petitioner continued on a year-to-year basis till 2017. In the meantime, *Karnataka Electricity Board, Recruitment and Promotion Regulations, Employees (Probation) Regulations and Employees (Seniority) Regulations* came into existence whereby the source of recruitment to the post of "Assistant Law Officer" is only by deputation of Assistant Public Prosecutor/Assistant Government Pleader from the Directorate of Litigation and Public Prosecution having experience of minimum 10 years of practice.

4. The petitioner had made several representations for regularizing her services to the post of Assistant Law Officer in MESCOM and the MESCOM vide its Board Meeting dated 29.06.2018 resolved to reject the representations of the petitioner and terminate her contractual engagement. In pursuance to the decision of the Board of MESCOM, the order dated 31.07.2018 came to be passed terminating the contractual engagement of the petitioner as "Assistant Law Officer" in MESCOM.

5. This order dated 31.07.2018 terminating the contractual engagement came to be challenged by her by filing the Writ Petition No.39916 of 2018 before the Writ Court. The Writ Court has allowed the Writ Petition vide the impugned order, set aside the order dated 31.07.2018 and directed the respondent/MESCOM to regularize the services of the petitioner and grant permanency benefits together with all consequential benefits within a period of two months from the date of receipt of copy of that order.

6. It is not in dispute that the petitioner's appointment from the very beginning was a contractual one on a year-to-year basis. The contractual appointment continued till it got terminated vide order dated 31.07.2018. In the meantime, the Regulations have been framed for appointment of the "Assistant Law Officer" and the only source of recruitment to the post of "Assistant Law Officer" is by deputation of Assistant Public Prosecutor or Assistant Government Pleader from the Directorate of Litigation and Public Prosecution having experience of minimum 10 years of practice.

7. Mere continuation of contractual appointment will not entitle an employee to seek regularization when the statutory rules have intervened, which provide for the recruitment by deputation. We, therefore, find that the impugned judgment passed by the learned Single Judge is unsustainable in law. Therefore, same is liable to be set aside.

Accordingly, the Writ Appeal is ***allowed*** and the impugned judgment and order passed by the learned Single Judge is ***set aside***.

No order as to costs.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 14