



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 5637 OF 2020 (S-RES)

BETWEEN:

1. SMT. SUNITHA A M
W/O SHIVAKUMAR J
AGED ABOUT 31 YEARS
R/AT NO 443, 6TH MAIN
OPPOSITE HELLO KIDS DREAM SCHOOL
HEALTH LAYOUT, SRIGANDADA KAVALU
BANGALORE - 560091.
2. DR KASHINATH LELLALA
S/O VSIWANADHAM
AGED ABOUT 38 YEARS
R/AT NO 2-9-161, ROAD NO 23
VIKAS NAGAR, HANAMKONDA WARANGAL
TELANGANA - 506001.
3. SRI VICAS C S
S/O C VIJAYA KUMAR
AGED ABOUT 30 YEARS
R/AT NO 1/326/4 G-4
STAR PARADISE APARTMENT
NEAR NEELIMA THEATRE
ANATHAPUR - 515001(A.P).
4. SMT VIJAYASHREE K
W/O KRISHNAMURTHY
AGED ABOUT 29 YEARS
R/AT NO 919 KOTHATHI POST
KOTHATHI, MANDYA - 571402.
5. SRI CHANDRAKANTH K S
S/O SWAMY K R





AGED ABOUT 28 YEARS
R/AT CHOWDESHWARI TEMPLE STREET
KAMPALAPURA VILLAGE AND POST
PERIYAPATNA TALUK, MYSURU DISTRICT.

6. DR SUBHA P
D/O LATE K PADU RAO
AGED ABOUT 41 YEARS
R/AT NO 16, MMG LAYOUT 1
ANNAPURNESHWARI LAYOUT
RAJARAJESHWARI NAGARA, MYSURU - 570026.

7. DR THEJUS URS G
S/O DR R GOPAL KRISHNE URS
AGED ABOUT 30 YEARS
R/AT NO 949 /1, 3RD MAIN
4TH CROSS VIDYARANYAPURAM
MYSURU - 570008.

8. DR MAHADEVIAIAH
S/O LATE DASAIAH
AGED ABOUT 43 YEARS
R/AT ACHATTIPURA VILLAGE
YARAGANAHALLI POST
HAARADANAHALLI HOBLI
CHAMRAJANAGARA TALUK & DISTRICT - 571127

...PETITIONERS

(BY SRI. VEDACHALA M V., ADVOCATE FOR P1 TO P6:
SRU, J M ANIL KUMAR, ADVOCATE FOR P7 & P8)]

AND:

1. THE UNIVERSITY OF MYSORE
REP. BY ITS REGISTRAR
MANASAGANGOTHRI
MYSURU - 570006.

2. UNIVERSITY GRANTS COMMISSION
REP. BY ITS REGISTRAR
BAHADUR SHAHJAFFAR MARG
NEW DELHI - 110002.



3. THE CHIEF COORDINATOR
UPE RESEARCH PROJECT
VIGNANA BHAVANA, MANASAGANGOTHRI
MYSURU - 570006.
4. GOVERNMENT OF INDIA
MINISTRIES OF PERSONNEL AND PENSION
DEPARTMENT OF ADMINISTRATIVE REFORMS
AND PUBLIC GRIEVANCES
5TH FLOOR, SARDAR PATEL BHAVAN
SANSAD MARG, NEW DELHI - 110001.

...RESPONDENTS

(BY SRI.T P RAJENDRAKUMAR SUNGAY, ADVOCATE FOR R1 &
R3: SMT. NAYANA TARA B.G., CGC FOR R4:
SRI SHRIKAR ALANGAR JAYA GOVIND, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER
APPROPRIATE WRIT OR ORDER QUASHING/SETTING ASIDE
THE LETTER NO: UPE/47/2019-20 DATED 03.07.2019 ISSUED
BY THE R-3, PRODUCED AT ANNEXURE-R 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

1. In this writ petition, the petitioners have called in
question the impugned Circular dated 03.07.2019 issued
by respondent No.3 vide Annexure-R, whereby the
petitioners were directed to repay the money said to have
been paid to them in excess.



2. The case of the petitioners is that respondent No.2- University Grants Commission (UGC) introduced the UPE Research Project entitled "Processing, Characterization and Applications of Advanced Functional Materials." Under the said project, petitioner Nos.1 to 7 were appointed as Project Fellows for a period of three years to work in the UPE Research Project on a monthly fellowship of Rs.14,000/- plus HRA for the first two years, and thereafter it was to be enhanced to Rs.16,000/- plus HRA. Petitioner No.8 was appointed as a Research Associate for a period of four years on a monthly fellowship of Rs.25,000/- plus HRA for the first two years, and the same was to be enhanced to Rs.30,000/- plus HRA thereafter.

Thereafter, the petitioners submitted a representation vide Annexure-K seeking enhancement of fellowship vide Annexure-M. The University Grants Commission approved the enhancement of monthly fellowship for all Project Fellows and Research Associates working under the UPE and CPEPA Programmes with effect



from 01.12.2014, as per the public notification issued by the Joint Secretary, UGC, and it was also made clear that no additional grant would be released by UGC towards such revised/enhanced fellowship.

Thereafter, by office order dated 03.09.2018 vide Annexure-N, the fellowship of Research Associates was enhanced to Rs.38,800/- plus HRA and that of Project Fellows to Rs.21,700/- plus HRA with retrospective effect from 01.12.2014. From 2018 onwards, the petitioners were paid the enhanced fellowship. Subsequently, the respondent-University issued a communication dated 23.09.2019 stating that UGC had not made any revision of fellowship/scholarship amount to the Project Fellows/Research Associates under the scheme of UPE/CPEPA. Thereafter, respondent No.3–University issued the impugned circular dated 03.07.2019 vide Annexure-R directing recovery of the excess amount paid to the petitioners. Being aggrieved by the same, the petitioners are before this Court.



3. The learned counsel for the petitioners submitted that in respect of other research scholars under different schemes, the fellowship has been enhanced, whereas in respect of Research Associates and Project Fellows, it has not been enhanced.

4. The learned counsel for respondent Nos.1 and 3 submits that the UGC has not made any revision of fellowship/scholarship amount to the Project Fellows/ Research Associates under the scheme of UPE/CPEPA and the public notice vide Annexure-R2 issued by the UGC is only for the specific schemes and it cannot be extended to other schemes i.e. UEP/CPEPA.

5. It is not in dispute that petitioner Nos.1 to 7 were appointed as Project Fellows on a monthly fellowship of Rs.14,000/- plus HRA for the first two years, and thereafter the same was to be enhanced to Rs.16,000/- plus HRA. Petitioner No.8 was appointed as a Research Associate for a period of four years to work in the UPE Research Project on a monthly fellowship of Rs.25,000/-



plus HRA for the first two years, and thereafter the same was to be enhanced to Rs.30,000/- plus HRA. The petitioners submitted representation to the University seeking enhancement of their fellowship. Thereafter, UGC approved the enhancement of fellowship to the petitioners vide Annexure-M, subject to the condition that no additional grant would be released by UGC towards such revised/enhanced fellowship. Pursuant to the said communication dated 02.01.2018, the respondent paid the enhanced fellowship to the petitioners. Subsequently, vide Annexure-R3 produced along with the statement of objections, UGC clarified that it had not made any revision of fellowship/scholarship amount to the Project Fellows and Research Associates under the UPE scheme. Thereafter, the impugned circular was issued for recovery of the excess amount paid to the petitioners. The excess fellowship was paid by the respondent itself and not on account of any misrepresentation on the part of the petitioners.



6. The Apex Court in the case of ***State of Punjab and Ors. vs. Rafiq Masih (White Washer) and Ors*** reported in ***(2015) 4 SCC 334*** has held that where excess salary has been paid by the employer without any fault on the part of the employee, recovery of such excess amount is impermissible.

7. In view of the above, impugned circular dated 03.07.2019 vide Annexure-R is liable to be quashed.

8. However, in respect of the contention of the learned counsel for the petitioners regarding enhancement of fellowship is concerned, liberty is reserved to the petitioners to submit representations to the respondent-University.

9. In view of the above, the following order is passed:

ORDER

- a) The writ petition is ***allowed-in-part.***
- b) The impugned Circular dated 03.07.2019 vide Annexure-R issued by respondent No.3 is hereby quashed.



c) The petitioners are at liberty to submit representations to the Competent Authority for enhancement of fellowship. If such representations are submitted, the Competent Authority shall consider the same, in accordance with law.

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

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LIST NO.: 1 SL NO.: 22