



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 2052 OF 2025 (S-RES)

BETWEEN:

DR ROBERT RODRIGUES J
S/O LATE EJEROME RODRIGUES
AGED ABOUT 54 YEARS
WORKING AS ASSISTANT PROFESSOR
ST MARY S SYRIAN COLLEGE (GRANT IN AIDED)
BRAHMAVAR
UDUPI DISTRICT - 576 213.

...PETITIONER

(BY SRI. KRISHNA.B, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY IS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
M S BUILDINGS
BANGALORE 560 001.
2. THE COMMISSIONER
DEPARTMENT OF COLLEGIATE EDUCATION
SHESHADRI ROAD
BENGALURU 560 009.
3. THE JOINT DIRECTOR
COLLEGIATE EDUCATION
REGIONAL OFFICE - MANGALURU
DAKSHINA KANNADA DISTRICT 575 001.
4. THE PRINCIPAL
ST MARY S SYRIAN COLLEGE (GRANT IN AID)
BRAHMAVAR
UDUPI DISTRICT 576 213.

...RESPONDENTS

(BY SRI. G.RAMESH NAIK, AGA FOR R-1 TO R-3
R-4 IS SERVED & UNREPRESENTED)





THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PAYING TO QUASHING THE IMPUGNED ORDER BEARING NO.KASHIE/PRAKAMA/21/UGC/VESHRE/2017-18E-1548415 DATED 18.12.2004 ISSUED BY THE 3RD RESPONDENT MARKED IN ANNEXURE-T, CONSEQUENTLY TO GRANTING ALL THE CONSEQUENTIAL BENEFITS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

“ a) Issue an appropriate writ order or direction in the nature of Certiorari to quashing the impugned order bearing No. KaShiE/PraKaMa/21/UGC/VeShre/2017-18E-1548415 dated: 18.12.2004 issued by the 3rd respondent marked in Annexure-T, consequently to granting all the consequential benefits, in the interest of justice and equity.

b) Pass such other order or direction deemed just and expedient in the circumstances of the case including the costs.”

2. Heard learned counsel for the petitioners and learned AGA for respondent Nos.1 to 3 and perused the material on record. Though respondent No.4 is served with notice, he has chosen to remain absent and unrepresented.



3. Though several contentions have been urged by both sides in support of their respective claims, the issue in controversy between the parties is directly and squarely covered by the judgment of the Co-ordinate Bench of this Court in the case of **Dr.M.S.Veena Vs. State of Karnataka and Ors – W.P.No.21162/2024 dated 24.02.2026**, wherein it was held as under:

“This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order dated 08.07.2024 (Annexure-N) passed by the first respondent.

2. The case of the petitioner is that she was appointed as a Lecturer in Sarvajna College of Education, the fourth respondent institution, on 08.02.1999. She completed her postgraduate degree, i.e., M.Ed., in 1998 and obtained her M.Phil. degree in the year 2009. Thereafter, by order dated 07.11.2015 (Annexure-L), the petitioner was granted the University Grants Commission (UGC) pay scale. By the impugned order dated 08.07.2024 (Annexure-N), the UGC pay scale granted to the petitioner has been withdrawn on the ground that one Mr.R.S.Raju, who is similarly situated, is also claiming the same relief. Being aggrieved by the same, the petitioner has approached this Court.



3. The learned counsel appearing for the petitioner has raised the following contentions:

(i) Firstly, on 11.07.2009, the UGC issued Regulations mandating that a candidate must possess NET/SLET/Ph.D. as a compulsory qualification for appointment as a Lecturer in degree colleges. However, the UGC clarified that persons who had obtained an M.Phil. degree prior to 11.07.2009 are exempted from passing NET for UG-level teaching only. Since the petitioner was appointed in the year 1999 and completed her M.Phil. qualification on 14.05.2009, she is rightfully entitled to the UGC pay scale, which was granted by order dated 07.11.2015.

(ii) Secondly, by the impugned order, the UGC pay scale has been withdrawn solely on the ground that one R.S.Raju, who is similarly situated, had approached this Court by filing a writ petition and obtained an order declaring that he is also entitled to the UGC pay scale. The order passed by this Court in the case of R.S.Raju in W.P. No.19006/2021 was challenged by the State before the Division Bench in W.A. No. 1774/2024. The Division Bench confirmed the grant of the UGC pay scale to R.S.Raju. Therefore, the impugned order is contrary to the UGC Regulations and the judgment of this Court. Hence, the learned counsel sought to allow the writ petition.

4. The learned AGA appearing for the State submitted that, as per the UGC Regulations, 2018, a



candidate must have completed NET/SLET/Ph.D. to be qualified for appointment as a Lecturer. Since the petitioner has neither obtained a Ph.D. nor cleared NET or SLET, the UGC pay scale granted to her has been withdrawn. Hence, sought for dismissal of the writ petition.

*5. Heard the learned counsel for the parties.
Perused the writ petition papers.*

6. The petitioner was appointed as a Lecturer in the fourth respondent–College on 08.02.1999. Thereafter, she acquired her M.Phil. qualification on 14.05.2009. Subsequently, the UGC issued Regulations exempting candidates possessing an M.Phil. degree in the concerned subject (obtained prior to 11.07.2009) from clearing NET for UG-level teaching only. The relevant paragraph is extracted below:

**"GOVERNMENT ORDER No.ED 37 UNE 2009
DATED DECEMBER 26, 2009**

8. In the circumstances explained above, the Government is pleased to extend to all the Part Time Lecturers absorbed in the State scale and borne on the establishment of Higher Education with Master's degree in the concerned subject with 55% marks (50% for those belonging to SC/ST) and possessing prior to 11.7.2009 the qualifications such as National Eligibility Test/State Level Education Test/Ph.D/M.Phil wherever required the benefit of UGC revised scale; also, such extension of benefit is only from the date of acquiring the said qualification and they are not entitled for back wages but enjoy only the fitment benefit.



9. The extension of revised pay scale shall be only after due verification of the required qualification and declaration of the period of probation, if any, by the Department of Collegiate Education. After the extension of the benefit of UGC scales as above, further, regulation of service conditions of these teaching staff shall be governed by the Order No.ED 37 UNE 2009 dated 24.12.2009 regarding revision of UGC pay scale issued in this behalf.”

7. In this regard, even the Apex Court in the case of **UNIVERSITY OF KERALA AND OTHERS VS. MERLIN J.N. AND OTHERS** reported in **(2022) 9 SCC 389** has held as follows:

“8. Dr Jayakumar applied for the post. The application was processed, and pursuant to his interview by the Selection Committee, he was assessed and ranked in the first position on 4-8-2012. The respondent Dr Merlin J.N. was placed at the second position. Feeling aggrieved, she preferred a writ petition before the Kerala High Court. [Merlin J.N. v. University of Kerala, WP (C) No. 20055 of 2012, order dated 1-2-2017 (Ker)] The grounds urged by Dr Merlin were that, inter alia, she had been unjustly denied four marks (concerning requisite teaching experience and publication in a recognised journal) which ought to have been awarded to her. Additionally, she challenged the appointment of Dr Jayakumar, alleging that it contravened the 2009/10 UGCR i.e. as Dr Jayakumar had not obtained his PhD in accordance with the 2009 PhD Regulations, he was not qualified to hold the post of Lecturer under the 2009/10 UGCR. A learned Single Judge of the Kerala High Court, by judgment dated 1-2-2017, [Merlin J.N. v. University of Kerala, WP (C) No. 20055 of 2012, order dated 1-2-2017 (Ker)] held that Dr Jayakumar was not qualified to hold the post of Lecturer. The learned Single Judge relied upon the judgment of this Court in *P. Suseela v. UGC* [P. Suseela v. UGC, (2015) 8 SCC 129 : (2015) 2 SCC (L&S) 633 : 7 SCEC 333] as well as the Kerala High Court Full



Bench decision in Radhakrishnan Pillai v. Travancore Devaswom Board [Radhakrishnan Pillai v. Travancore Devaswom Board, 2016 SCC OnLine Ker 41257 : (2016) 2 KLT 245] . The University and Dr Jayakumar appealed to the Division Bench which affirmed [Jayakumar v. Jyothi S. Nair, 2020 SCC OnLine Ker 25895] the ruling of the learned Single Judge. The Division Bench noticed a subsequent judgment of this Court in State of M.P. v. Manoj Sharma [State of M.P. v. Manoj Sharma, (2018) 3 SCC 329 : (2018) 1 SCC (L&S) 585] and the (then) latest amendment to the regulations (hereinafter “the 2016 UGCR/fourth amendment”) which sought to somewhat relieve the rigours of the 2009/10 UGCR and enable those awarded PhD degrees prior to the cut-off date of 11-7-2009 to also be considered for appointment as Lecturers. The Division Bench held that the 2016 UGCR was applicable only prospectively, and hence denied the benefit to Dr Jayakumar.

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10. It was argued on behalf of the appellant that the fourth amendment placed the matter beyond any doubt because it rendered eligible candidates who had acquired their PhD degree before 11-7-2009. In this regard, great emphasis was placed on the following:

“The proviso prescribed under Regulations 3.3.1, 4.4.1, 4.4.2, 4.4.2.2, 4.4.2.3, 4.5.3 and 4.6.3 in the University Grants Commission (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) (3th Amendment) Regulations, 2016 regarding exemption to the candidates registered for PhD programme prior to 11-7-2009 shall stand amended and be read as under:

Provided further, the award of degree to candidates registered for the MPhil/PhD programme prior to 11-7-2009, shall be governed by the provisions of the then



existing Ordinances/bye-laws/regulations of the institutions awarding the degree and the PhD candidates shall be exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfilment of the following conditions:

(a) PhD degree of the candidate awarded in regular mode only;

(b) Evaluation of the PhD thesis by at least two external examiners;

(c) Open PhD viva voce of the candidate had been conducted;

(d) Candidate has published two research papers from his/her PhD work out of which at least one must be in a refereed journal;

(e) Candidate has made at least two presentations in conferences/seminars, based on his/her PhD work.

(a) to (e) as above are to be certified by the Vice-Chancellor/Pro Vice-Chancellor/Dean (Academic Affairs)/Dean (University instructions).” [Regn. 3, 2016 UGCR.]”

8. In view of the above, the petitioner is entitled to the UGC pay scale, which was rightly granted by the Government by order dated 07.11.2015. By the impugned order, the order dated 07.11.2015 has been withdrawn solely on the ground that one R.S.Raju had filed a writ petition in W.P. No. 19006/2021. This Court, by order dated 21.07.2023, on merits and also on the ground that similar relief had been granted to the petitioner herein, namely Dr.M.S.Veena, allowed the writ petition filed by R.S.Raju and held that he was entitled to UGC benefits in terms of the UGC Regulations, 2009.



9. The order passed by this Court in the case of R.S. Raju was challenged by the State Government by filing an appeal in W.A. No. 1774/2024. The Division Bench of this Court, upon considering the UGC Regulations, whereby exemption was provided to M.Phil. holders from acquiring NET/SLET qualification, dismissed the writ appeal filed by the State Government and confirmed the order passed by the learned Single Judge. In view of the above, the impugned order passed by the first respondent is unsustainable and is liable to be quashed.

10. Accordingly, the following order:

- (i) The writ petition stands disposed of.*
- (ii) The impugned order dated 08.07.2024 (Annexure-N) passed by the first respondent is hereby quashed.*
- (iii) The first respondent is directed to accord UGC benefits to the petitioner in terms of the UGC Regulations, 2009, along with all consequential benefits, in accordance with law.*
- (iv) In view of disposal of the main matter, all pending applications stand disposed of."*



4. Under these circumstances, the present petition is also disposed of in terms of the aforesaid order passed in ***Dr.M.S.Veena's*** case supra.

5. In the result, I pass the following:

ORDER

i. The petition is hereby allowed and disposed of in terms of the ***Dr.M.S.Veena Vs. State of Karnataka and Ors – W.P.No.21162/2024 dated 24.02.2026.***

ii. The impugned order dated 18.12.2004 (Annexure-T) passed by respondent No.3 is hereby quashed.

iii. Respondent No.3 is directed to accord UGC benefits to the petitioner in terms of the UGC Regulations, 2009, along with all consequential benefits, in accordance with law.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.