



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 150 OF 2026 (S-RES)

C/W

WRIT APPEAL NO. 132 OF 2026 (S-RES)

IN WA No. 150/2026

BETWEEN:

1. SRI. SUBRAMANYA H.N.,
S/O.NAGARAJA H.S.,
AGED ABOUT 53 YEARS,
WORKING AS SECTION OFFICER,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.
2. SRI. BASAVARAJ BALIGAR,
S/O. SOMAPPA,
AGED ABOUT 53 YEARS,
WORKING AS SECTION OFFICER,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.
3. SRI. RAJASHEKAR G.K.
S/O. HANUMANTHAPPA.
AGED ABOUT 53 YEARS,
WORKING AS SECTION OFFICER,
KUVEMPU UNIVERSITY.



JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.

4. SMT. MARIYAMBI T.P.,
W/O. JABBAR K.,
AGED ABOUT 54 YEARS,
WORKING AS SECTION OFFICER,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.
5. SRI. BRAHMANANDA RANADE,
S/O. GANAPATHI RANADE D.,
AGED ABOUT 53 YEARS,
WORKING AS SECTION OFFICER,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.
6. SMT. ROOPA K.S.,
W/O. GANESH S.,
AGED ABOUT 50 YEARS,
WORKING AS SENIOR ASSISTANT,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI,
SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.
7. SRI. VARADARAJU M.E.,
S/O. C. M. ESHWARAPPA,
AGED ABOUT 60 YEARS,
RETIRED AS SECTION OFFICER,
KUVEMPU UNIVERSITY, JNANASAHYADHRI,
SHANKARAGHATTA, SHIMOGA DISTRICT- 577 451.
PRESENTLY RESIDING AT NO. 37,
KANASU, KALIDASA EXTENSION,
NEAR JNANA GANGA SCHOOL,
GADIKOPPA ALKOLA, SHIMOGA - 577 205.



NC: 2026:KHC:17313-DB
WA No. 150 of 2026
C/W WA No. 132 of 2026

8. SMT. K.T. SUJATHA,
W/O. KRISHNAMURTHY,
AGED ABOUT 53 YEARS,
WORKING AS SENIOR ASSISTANT,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI, SHANKARAGHATTA,
SHIMOGA DISTRICT- 577 451.

...APPELLANTS

(BY SRI. SATISH K., ADVOCATE)

AND:

KUVEMPU UNIVERSITY,
JNANASAHYADHRI, SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451.

...RESPONDENT

(BY SRI. SHANTHARAJU, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR THE RECORDS PERTAINING TO THE WRIT PETITION No.9983/2023 AND SET ASIDE THE IMPUGNED ORDER DATED:24.09.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No. 9983/2023 IN SO FAR AS IT RELATES TO UPHOLDING OF ORDERS DATED 15.01.2023 RE-FIXING THE ELIGIBILITY DATE AS 06.12.2001 AND REVISING THE PAY OF THE APPELLANTS AND CONSEQUENTLY ALLOW THE WRIT PETITION No. 9983/2023 FILED BY THE PETITIONERS/APPELLANTS HEREIN AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

IN WA NO. 132/2026

BETWEEN:

1. SRI. N.V. SRINIVASA MURTHY,
S/O. LATE VENKATRAMAN,
AGED ABOUT 62 YEARS,
RETIRED AS SECTION OFFICER,
KUVEMPU UNIVERSITY,
JNANASAHYADHRI, SHANKARAGHATTA,
SHIMOGA DISTRICT - 577 451,



**NC: 2026:KHC:17313-DB
WA No. 150 of 2026
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RESIDING AT NO.109,
NAVAKEERTHI, 2ND CROSS,
RIGHT SIDE 3RD PARALLEL ROAD,
ASHOKA NAGARA, BEHIND S. P. OFFICE,
SHIMOGA DISTRICT - 577 205.

2. SRI. K. R. RAVI,
S/O. LATE RAMANNA K. S.,
AGED ABOUT 55 YEARS,
NOW WORKING AS SECTION OFFICER,
EXAMINATION BRANCH,
KUVEMPU UNIVERSITY, JNANASAHYADHRI,
SHANKARAGHATTA, SHIMOGA DISTRICT - 577 451.
...APPELLANTS

(BY SRI. SATISH K., ADVOCATE)

AND:

KUVEMPU UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
JNANASAHYADRI, SHANKARAGHATTA,
SHIMOGA DISTRICT- 577 451.

...RESPONDENT

(BY SRI. SHANTHARAJU, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT,1961, PRAYING TO CALL FOR THE RECORDS PERTAINING TO THE WRIT PETITION NO.25927/2023 AND SET ASIDE THE IMPUGNED ORDER DATED:24.09.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.25927/2023 IN SO FAR AS IT RELATES TO UPHOLDING OF ORDERS DATED:15.04.2023 RE-FIXING THE ELIGIBILITY DATE AS 06.12.2001 AND REVISING THE PAY OF THE APPELLANTS AND CONSEQUENTLY ALLOW THE WRIT PETITION NO.25927/2023 FILED BY THE PETITIONERS/APPELLANTS HEREIN AS PRAYED FOR AND ETC.



THESE APPEALS ARE 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 T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeals have been filed impugning the order dated 24.09.2025 passed by the writ Court in Writ Petition Nos.25927/2023 c/w 9983/2023.

2. The petitioners were working as a non-teaching staffs in the Kuvempu University. The petitioners were promoted as First Division Assistant on 06.12.2001. It appears that after promoting the petitioners as First Division Assistant, their date of eligibility was revoked from the year 1998 and consequential benefits were given to the petitioners. The audit objection was raised stating that the petitioners were not entitled for promotion on the basis of the eligibility. But they would be entitled for promotion on the basis of the vacancy. Since the vacancy



arose in 2001, there was no question of giving them retrospective provisions from 1998.

3. We do not find that such a stand in any manner illegal because when there was no vacancy there was no question of the petitioners being promoted from the date of their eligibility. Eligibility does not confer right of promotion. The promotion occurs on two conditions (i) the candidate is eligible, and (ii) there is a vacancy. Without vacancy there cannot be any promotion. Therefore, promoting the petitioners with retrospective effect when they acquired eligibility was totally illegal and not in accordance with the Rule. On the basis of illegal promotion, the petitioners were further promoted and therefore, by the impugned order, it was directed that the benefits taken by the petitioners should be recovered from them. However, the contention before the writ Court that no recovery shall be effected, so far as pension is concerned, it is required to be refixed. In view of the concession given by the University that there could not be



any recovery on the amount already received, the writ Court passed the order directing that there shall be no recovery. So far as re-fixation of pension and salary, we rejected the relief. We find no infirmity in the order, which warrants any interference in the order of the writ Court. The petitioners who are in service, their salary has to be re-fixed and those who are retired, their pension has to be re-fixed, as per the order impugned in writ petition.

4. We do not see any error in the impugned judgment and order passed by the writ Court and consequently, we ***dismiss*** these writ appeals however without costs.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

PK
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