



CNR: KAHC010182432024

NC: 2026:KHC:41818-DB
WP No. 9349 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.9349 OF 2024 (S-KSAT)

BETWEEN:

DR H PRAKASH
S/O N.T.H GOWDA,
AGED ABOUT 61 YEARS
ASSOCIATE PROFESSOR AND PRINCIPAL
MAHARANI'S CLUSTER UNIVERSITY,
SHESHADRI ROAD,
BENGALURU-560 001.

R/AT: NO.234, 5TH CROSS,
SUN CITY MAIN ROAD,
KENGARI SATELLITE TOWN,
BENGALURU-560 060.

...PETITIONER

(BY SRI. MURALIDHAR K B.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
PRINCIPAL SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT
(HIGHER EDUCATION)
M S BUILDING,
BENGLAURU-560 001.
2. THE COMMISSIONER OF COLLEGIATE
EDUCATION IN KARNATAKA,





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PALACE ROAD,
BENGALURU-560 001.

3. THE CHIEF ADMINISTRATIVE OFFICER
DEPARTMENT OF COLLEGIATE EDUCATION
SHESHADRI ROAD,
BENGALURU-560 001.
4. DR. SAMBAJI RAO V.,
S/O LATE VENKATOJI RAO,
AGED ABOUT 61 YEARS,
RETD. ASSOCIATE PROFESSOR,
GOVERNMENT FIRST GRADE COLLEGE,
VIJAYANAGAR,
BENGALURU-560 040.

R/AT:NO.11, DEODATE PUBLIC
ROAD, VITTAL NAGAR, ISRO LAYOUT,
BENGALURU-560 078.

...RESPONDENTS

(BY SRI.V.SHIVAREDDY, AGA FOR R1 TO R3,
VIDE ORDER DATED 10.04.2024,
NOTICE AGAINST R4 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO ORDER DATED 31/07/2023 IN APPLICATION NOS. 6034-6035/2022 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU, AND PERUSE THE SAME AND ISSUE WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 31/07/2023 IN APPLICATION NOS.6034-6035/2022 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU (ANNEXURE-A) IN SO FAR AS THE PETITIONER IS CONCERNED AND ALLOW THE SAID APPLICATION OF THE PETITIONER, IN SO FAR AS THE PETITIONER IS CONCERNED.



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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

The petitioner who is working as Associate Professor and Principal of Maharani's Cluster University, Sheshadri road, Bengaluru is before this Court under Article 226 & 227 of the Constitution of India praying for the following relief:-

Issue WRIT OF CERTIORARI, quashing the Impugned Order dated 31.07.2023 in Application No.6034-6035/2022 passed by the Karnataka State Administrative Tribunal, Bengaluru (ANNEXURE - A) in so far as the Petitioner is concerned and allow the said Application of the Petitioner, in so far as the Petitioner is concerned;



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2. The petitioner herein is the applicant No.2 before the Tribunal and the respondents No.1 to 3 herein are the respondents No.1 to 3 before the Tribunal and respondent No.4 herein is the applicant No.1 before the Tribunal.

3. For sake of convenience, the parties are referred to as per their rankings before this Court.

4. The brief facts leading to the filing of this petition are that:-

The petitioner was initially appointed as Lecturer with effect from 06.02.1986. He was placed as Lecturer (Senior Scale) with effect from 06.02.1994 and thereafter as Lecturer (Selection Grade) with effect from 06.02.1999. The petitioner obtained Ph.D. Degree in Commerce from the University of Mysore and was issued the degree certificate dated 16.01.2006.



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5. The Government of Karnataka issued Government Order dated 15.11.1999 revising the UGC pay scales of teachers and equivalent cadres with effect from 01.01.1996. Subsequently, Government Order dated 24.12.2009 came to be issued revising the UGC pay scales with effect from 01.01.2006. Under the said order, Lecturer (Selection Grade) with three years of service came to be re-designated as Associate Professor carrying Academic Grade Pay of Rs.9,000/-. The petitioner's case is that he stood re-designated as Associate Professor with effect from 01.01.2006 and, having acquired Ph.D. qualification, became eligible for placement as Professor on completion of three years as Associate Professor, namely with effect from 01.01.2009.

6. The petitioner places reliance upon the UGC Regulations, 2010 notified on 30.06.2010 and published in the Gazette of India on 18.09.2010 and contends that the Academic Performance Indicators (API) and Performance Based Appraisal System (PBAS) were intended to be



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implemented prospectively. Reliance is also placed on Circular dated 18.06.2018 issued by the second respondent, wherein it was indicated that API scores would be considered from the Academic Year 2010 onwards.

7. The second respondent issued Circular dated 08.10.2021 publishing a list of eligible Associate Professors for placement as Professors and fixing interview dates. The petitioner's name appeared at Sl.No.22 under the subject Commerce. Thereafter, another Circular dated 03.01.2022 was issued publishing a fresh list of eligible Associate Professors for placement as Professors, wherein the petitioner's name appeared at Sl.No.4 under the subject Commerce. The petitioner asserts that he participated in the interview process conducted pursuant to the said circular.

8. Thereafter, the second respondent issued Circular dated 10.11.2022 publishing the names of eligible candidates for placement as Professors. The petitioner's



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name was not included therein. Aggrieved thereby, the petitioner and respondent No.4 herein filed Application No.6034-6035/2022 before the Tribunal.

9. The Tribunal, by order dated 31.07.2023, dismissed the application. The Tribunal held that the claim of the applicants for placement as Professors by treating them under the earlier Self Appraisal Scheme (SAS) could not be accepted and further observed that Applicant No.1 before the Tribunal had retired from service and that Applicant No.2, who is the present petitioner, had become an employee of Maharani's Cluster University and was not an employee of the Department of Collegiate Education on the date of consideration for placement as Professor.

10. The learned counsel for the petitioner contended that the petitioner was initially appointed as Lecturer on 06.02.1986, was placed as Lecturer (Senior Scale) on 06.02.1994 and Lecturer (Selection Grade) on 06.02.1999 and, upon issuance of Government Order



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dated 24.12.2009, stood redesignated as Associate Professor with effect from 01.01.2006. It was submitted that the petitioner had obtained Ph.D. Degree in Commerce on 16.01.2006 and completed three years as Associate Professor on 01.01.2009 and therefore became eligible for placement as Professor under the Career Advancement Scheme (CAS).

11. It was argued that the Career Advancement Scheme is a time-bound career progression mechanism and a form of promotional advancement available to eligible teachers. Reliance was placed upon Paragraph 6.3.8 of the UGC Regulations, 2010 and Paragraph 6.3(IV) of the UGC Regulations, 2018 to contend that promotion under CAS is a personal promotion to the incumbent teacher and not recruitment to a separate cadre post. It was therefore contended that the petitioner became entitled to placement as Professor immediately upon completion of the prescribed eligibility requirements.



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12. It was further submitted that under Paragraph 6.3.0 of the UGC Regulations, 2010, API based PBAS was intended to be progressively and prospectively implemented. Reliance was placed on Circular dated 18.06.2018 issued by the second respondent, wherein it was indicated that API scores would be considered only from the Academic Year 2010 and that persons who had become eligible earlier could be considered under the existing mechanism. Learned counsel submitted that the petitioner's proposal was accordingly forwarded and that his name found place in the Circular dated 08.10.2021 at Sl.No.22 and thereafter in the Circular dated 03.01.2022 at Sl.No.4 under the subject Commerce. The petitioner also participated in the interview conducted pursuant thereto.

13. Learned counsel further submitted that the Tribunal committed an error in accepting the contention that the petitioner was not eligible for consideration on account of his absorption into Maharani Cluster University.



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It was argued that the proceedings of the Selection Committee relied upon by the respondents were dated 09.02.2022 whereas the Government Order relating to absorption was issued only on 30.06.2022. Therefore, according to the petitioner, he was very much on the rolls of the Department when his case was considered by the Selection Committee.

14. Learned counsel placed reliance on UGC communication dated 21.06.2021 clarifying that benefits under CAS are admissible from the date of eligibility under the applicable regulations. Learned counsel further relied upon Government Order dated 08.12.2023 and consequential modified orders dated 28.02.2024 whereby retrospective placement from the date of eligibility came to be granted to certain Associate Professors who had been placed as Professors. On the strength of these developments, it was contended that the petitioner was likewise entitled to placement as Professor with effect from 01.01.2009.



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15. *Per contra*, the learned Additional Government Advocate appearing for respondent Nos.1 to 3 supported the order passed by the Tribunal and submitted that no interference is warranted in exercise of writ jurisdiction. It is contended that the petitioner seeks placement as Professor with effect from 01.01.2009 by relying upon the Government Order dated 24.12.2009 and the Career Advancement Scheme. However, the present proceedings were initiated only in the year 2022, after an unexplained lapse of more than thirteen years. It was therefore contended that the claim suffers from gross delay and laches.

16. It is further submitted that placement under the Career Advancement Scheme is governed by the applicable UGC Regulations and Government Orders and cannot be claimed as a matter of right merely on the basis of possession of Ph.D. qualification or completion of the prescribed period of service. According to the respondents,



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the petitioner had not acquired any vested right to placement as Professor.

17. Learned Additional Government Advocate further submitted that for consideration under the Career Advancement Scheme, the teacher must be on the rolls and in active service of the concerned institution on the date of consideration by the competent authority. It was contended that the petitioner had become part of Maharani Cluster University and therefore was not entitled to seek placement as Professor under the Department of Collegiate Education pursuant to the impugned notification dated 10.11.2022.

18. It is also contended that mere inclusion of the petitioner's name in earlier circulars or participation in the interview process did not confer any enforceable right. Neither recommendation of the Selection Committee in favour of the petitioner nor any order granting placement as Professor was ever issued. Therefore, the petitioner



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cannot seek a writ directing grant of placement retrospectively from 01.01.2009. With regard to the Government Order dated 08.12.2023 and the modified orders dated 28.02.2024, it was submitted that those orders pertain to teachers who had already been granted placement as Professors and whose dates of placement were subsequently modified. The petitioner does not belong to that category and therefore cannot claim parity with those beneficiaries.

19. Heard learned counsel appearing for the petitioner and learned AGA appearing for the respondents No.1 to 3.

20. The undisputed facts disclose that the petitioner was initially appointed as Lecturer on 06.02.1986, was placed as Lecturer (Senior Scale) with effect from 06.02.1994 and Lecturer (Selection Grade) with effect from 06.02.1999. The petitioner obtained Ph.D. Degree in Commerce on 16.01.2006. Pursuant to Government Order



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dated 24.12.2009, the petitioner came to be redesignated as Associate Professor with effect from 01.01.2006.

21. The principle contention of the petitioner proceeds on the footing that having become Associate Professor with effect from 01.01.2006 and having possessed a Ph.D. Degree, he became entitled for placement as Professor upon completion of three years of service as Associate Professor, namely with effect from 01.01.2009. It is also the specific case of the petitioner that placement as Professor under the Career Advancement Scheme is a time-bound career advancement and promotional progression available to eligible teachers and that such placement is in the nature of a personal promotion to the incumbent.

22. There is no dispute with regard to the proposition that the Career Advancement Scheme provides for career progression of eligible teachers. However, merely because the scheme provides for time-bound



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career advancement or promotional progression, it cannot be held that placement as Professor automatically follows immediately upon completion of the prescribed period of service and possession of the prescribed qualification.

23. The Career Advancement Scheme is a scheme providing for career progression and advancement. Mere fulfillment of eligibility conditions does not automatically result in placement in the higher position. Eligibility for consideration and actual placement are distinct concepts. Even assuming that the petitioner became eligible for consideration on 01.01.2009, such eligibility by itself did not confer an enforceable right to be placed as Professor from that date.

24. The record discloses that the petitioner seeks placement with retrospective effect from 01.01.2009. However, proceedings before the Tribunal came to be instituted only in the year 2022. Thus, a claim asserted to have arisen in the year 2009 was sought to be agitated



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after a lapse of more than thirteen years. No satisfactory explanation is forthcoming for such extraordinary delay. The belated nature of the claim assumes significance in matters relating to service benefits and career advancement.

25. Much emphasis was placed on the fact that the petitioner's name appeared in the Circulars dated 08.10.2021 and 03.01.2022 and that he participated in the interview process. Even accepting the said contention, no material is placed before the Court to demonstrate that the competent authority had approved the petitioner's placement as Professor or that any right had crystallized in his favour. Mere participation in the process cannot by itself be elevated into a vested right to claim placement with retrospective effect from 01.01.2009.

26. The material on record further discloses that by virtue of Government Order dated 30.06.2022, the petitioner became part of Maharani's Cluster University. It



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is not in dispute that by the time the impugned notification dated 10.11.2022 came to be issued, the petitioner was serving under Maharani's Cluster University and not under the Department of Collegiate Education.

27. Reliance placed on Government Order dated 08.12.2023 and consequential modified orders dated 28.02.2024 is also of no assistance to the petitioner. The said orders pertain to persons who had already been granted placement as Professors under orders dated 14.12.2022 and whose dates of placement were subsequently modified. The petitioner does not belong to that category. Therefore, the said subsequent developments do not create any independent right in his favour.

28. On an overall consideration of the material on record, this Court is of the view that the petitioner has failed to demonstrate that any enforceable right to placement as Professor had accrued in his favour. The



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findings recorded by the Tribunal cannot be said to be arbitrary, perverse or contrary to the material available on record.

29. In view of the above, no ground is therefore made out for interference with the order passed by the Tribunal in exercise of jurisdiction under Articles 226 and 227 of the Constitution of India.

30. Accordingly, the writ petition is ***dismissed***.

No order as to costs.

Pending IAs' if any shall stand disposed of.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

BNV
List No.: 1 Sl No.: 22