



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD 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. 566 OF 2025 (S-RES)

BETWEEN:

1. THE COMMISSIONER
KARNATAKA HOUSING BOARD,
3RD AND 4TH FLOOR,
CAUVERY BHAVAN,
K G ROAD,
BENGALURU-560009

...APPELLANT

(BY SRI. M.S.BHAGWAT, SENIOR COUNSEL FOR
SRI. H L PRADEEP KUMAR., ADVOCATE)

AND:

1. SMT BHANDARI RAJESHWARI
W/O SHRI. AMAR MANJUNATH,
AGED ABOUT 37 YEARS,
WORKING AS ASSISTANT EXECUTIVE ENGINEER
KARNATAKA HOUSING BOARD,
3RD AND 4TH FLOOR,
CAUVERY BHAVAN,
K. G. ROAD,
BENGALURU-560009
R/AT NO.17, 19TH CROSS,
I BLOCK, RAJAJINAGAR,
BENGALURU-560010
2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,





HOUSING DEPARTMENT
VIKASA SOUDHA,
BENGALURU-560001

...RESPONDENTS

(BY SRI. VIJAY KUMAR, BAJENTRI., ADVOCATE FOR C/R1 (VC))

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDERS DATED 11/02/2025 IN WP NO.2790/2024 PASSED BY THE LEARNED SINGLE JUDGE AND DISMISS THE WRIT PETITION WITH COSTS THROUGHOUT.

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 T.M.NADAF

ORAL JUDGMENT

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

The present intra Court appeal has been filed impugning the judgment and order dated 11.02.2025 passed by the writ Court in W.P.No.2790/2024 filed by the respondent.

2. The parties are referred to as per their ranking before the writ Court, for the sake of convenience.

3. The petitioner was appointed as an Assistant Executive Engineer (Civil) in the Karnataka Housing Board in



terms of the relevant rules. At the time of her appointment as Assistant Engineer (Civil) the petitioner held a B.Tech (Civil) degree. She wanted to acquire higher qualification of Master Degree in Urban and Regional Planning, a qualification required for the post of Assistant Director of Town Planning and further promotion in that stream. Considering the fact that her higher qualification of Master Degree in Urban and Regional Planning would qualify her for the post of the Assistant Director of Town Planning and her expertise would be utilized for the Housing Board, the respondent-Board permitted her to pursue the Master's Degree in Urban and Regional Planning at the expense of the Board with full salary for the duration of the course. The petitioner completed her master's degree in the year 2020 and reported back to the Housing Board. She was promoted to Assistant Executive Engineer on 01.07.2021 as no position of an Assistant Director of Town Planning was available for her at that time.

4. As soon as the post of Assistant Director of Town Planning became available, the petitioner has been posted to the said post. The posting of the petitioner as Assistant Director



of Town Planning came to be challenged by the petitioner by filing the writ petition.

5. The submission advanced on behalf of the petitioner was that her posting as Assistant Director of Town Planning vide Office Memorandum dated 19.01.2024 was in terms of the Karnataka Housing Board (Recruitment and Condition of Service) Rules, 2022 (for short 'the 2022 Rules'). It was submitted that the failure to obtain an option from the petitioner before her transfer from the post of Assistant Executive Engineer to Assistant Director vide Office Memorandum dated 19.01.2024, made the subsequent posting as Assistant Director of Town Planning unsustainable in law in absence of option having exercised by her.

6. The learned Single Judge found merit in the submissions of the petitioner, allowed the writ petition and quashed the Office Memorandum dated 19.01.2024, whereby the petitioner was posted as Assistant Director of Town Planning. The learned Single Judge found that as petitioner did not give an option, her posting to the post of Assistant Director of Town Planning was not in conformity with the 2022 rules.



7. We have heard Mr. M.S. Bhagawat, learned Senior Counsel for the appellant-Karnataka Housing Board and Mr. Vijay Kumar Bajantri, learned counsel for the respondent No.1.

8. The petitioner cannot deny the fact that she was given permission to pursue her higher studies i.e. Master of Urban and Regional Planning at the expense of the Karnataka Housing Board along with two years of study leave with full pay. Obviously, the purpose of her sending to higher studies at the expense of the Karnataka Housing Board was to utilize her higher qualification by posting her as an Assistant Director of Town Planning after she acquired the qualification and had necessary experience as required for appointment to the post of Assistant Director of Town Planning. The petitioner came back in the year 2020, after completing her Master Degree. She was promoted to the post of Assistant Executive Engineer on 01.07.2021, as there was no post available for the Assistant Director of Town Planning and therefore, the petitioner was not posted as Assistant Director of Town Planning. In the meantime, the 2022 Rules got amended and came into force.



9. Item No. 18 of the 2022 C & R Rules provides for appointment to the post of Assistant Director of Town Planning by transfer of Assistant Executive Engineer (Civil) having the Master Degree in Town Planning or equivalent. As the petitioner was fully qualified to be posted as Assistant Director of Town Planning in terms of the 2022 Rules, vide Office Memorandum dated 19.01.2024, she was posted as Assistant Director of Town Planning.

10. However, the petitioner now seeks to resile from the understanding on the ground that as no option was sought for from her under the 2022 Rules, for her transfer to the post of Assistant Director of Town Planning, her transfer and posting as Assistant Director of Town Planning to be quashed.

11. We have considered the submissions of the learned counsel for the parties.

12. If the interests of the organization requires a posting of an employee to a particular post based on the qualifications and the method of recruitment, the lack of an option does not bar the organization from posting such an



employee to the post. In the present case, the petitioner was sent for higher studies for two years at the expense of the Karnataka Housing Board, with full pay including increments. Even otherwise, the petitioner's posting to the post of Assistant Director of Town Planning is neither detrimental to her career prospects nor does it carry lower pay and allowances. In fact, it is equivalent to the post of Assistant Executive Engineer (Civil) and the post of Assistant Director of Town Planning carry the same scale and status except for the work. As the town planner she would have to perform a little other work in respect to the planning and execution of the project. Therefore, we do not agree with the submission advanced on behalf of the petitioner that as she did not give an option, she could not have been posted by transfer to the Post of Assistant Director of Town Planning in terms of the Office Memorandum dated 19.01.2024.

13. So far as the services rendered by her on the post of Assistant Executive Engineer are concerned, they shall be counted for future promotion and other benefits on the post of Assistant Director of Town Planning.



14. We, therefore, allow this writ petition with the aforesaid observations that the petitioner's service rendered on the post of Assistant Executive Engineer (Civil) shall be counted towards future benefits including promotion from the post of Assistant Director of Town Planning.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

RKA
List No.: 1 Sl No.: 2