



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. 14991 OF 2020 (S-RES)

BETWEEN:

SRI B D KANTHARAJA
S/O LATE B.P.DYAVE GOWDA
AGED ABOUT 60 YEARS
PHYSICAL CULTURE INSTRUCTOR
DEPARTMENT OF PHYSICAL EDUCATION
UNIVERSITY OF MYSORE
R/AT NO.349, AMRUTH MAHAL
UNIVERSITY EMPLOYEES LAYOUT
LINGAMBUDIPALYA, NEAR SIDDARAMAIAH CIRCLE
OPP R.T.NAGAR, MYSURU-570 008.

...PETITIONER

(BY SRI. VEDACHALA M V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
HIGHER EDUCATION DEPARTMENT
MULTI STORIED BUILDING
BENGALURU-560 001.

2. THE UNIVERSITY OF MYSORE
REP. BY ITS REGISTRAR
KRISHNARAJA BOULEVARD ROAD
K.G.KOPPAL, MYSURU-570006.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1:
SRI T P RAJENDRA KUMAR SUNGAY, ADVOCATE FOR R2)





THIS WRIT PETITION IS FILED UNDER ARTICLES 26 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR SUCH OTHER WRIT QUASHING OR SETTING ASIDE THE ENDORSEMENT VIDE ET2/60/1989-90 PASSED BY THE R-2 UNIVERSITY DATED: 30.07.2020 PASSED BY THE R-2 PRODUCED AT ANNEXURE-AC 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 petitioner has called in question the impugned endorsement dated 30.07.2020 issued by respondent No.2 vide Annexure-AC, whereby the petitioner's request for treating him as Physical Culture Instructor; to pay the UGC pay scale and to extend the age of superannuation from 60 to 62 years with respect to the petitioner, has been rejected.

2. The petitioner was appointed as a Physical Culture Instructor on a temporary basis in the respondent No.2-



University on 06.01.1996. His services were continued on a temporary basis and the same was regularized and made permanent on 01.08.2006. The petitioner possess a degree in Master of Physical Education from the 2nd respondent – University itself. As per the Regulations of the University, the petitioner is supposed to retire at the age of 60 years. As per the Government Order dated 15.10.2009, the State has enhanced the age of superannuation of teaching community of Universities drawing UGC scales from the existing 60 years to 62 years. However, in respect of other teaching community, the age of the superannuation is continued to be 60 years only. The respondent-University on 15.09.2011 has passed a Statute wherein the nomenclature of the post of Physical Culture Instructor working in the Department of Physical Education is changed to the Assistant Director of Physical Education. Similarly, regarding sanctioning of the benefit of UGC pay scale, the respondent No.2-University



has passed a statute making the same applicable to Physical Culture Instructors and it reads as hereunder:

"2) Applicability:-

- a) *These statutes shall be applicable to only such of those Physical Culture Instructors, who possess minimum qualification of a Post Graduate Diploma or Certificate or a Degree in Physical Education and who are in 1986 UGC pay scales.*
- b) *Who may be subsequently recruited with minimum qualification prescribed by UGC from time to time.*

3. In view of the said amended statutes, the petitioner made representation to the respondent No.2-University, herein he sought for extension of UGC pay scale and also to change the nomenclature of the post held by him of Physical Culture Instructor to Assistant Director of Physical Education. The University, by order dated 09.01.2017 has rejected the request of the petitioner. The petitioner has challenged the said order dated 09.01.2017 by filing



W.P.No.48582/2019. This Court, by order dated 15.07.2020 has disposed of the said writ petition. The operative portions of the order reads as under:

"ORDER

The petitioner is permitted to make a fresh representation to the 2nd respondent – University detailing as to why he is entitled to a change in nomenclature to the post of Physical Culture Instructor held by him as Assistant Director of Physical Education; why he should be granted UGC pay scale and as to why his age of superannuation should be increased to 62 years from 60 years.

The 2nd respondent – University is hereby directed to consider the representation of the petitioner, if any, made by him within 3 weeks from the date of such representation and pass a reasoned order. If the 2nd respondent – university were to conclude that petitioner is entitled for the reliefs sought by him, but if the petitioner were to attain the age of 60 years by then, it shall not be a ground to deny him the benefits.

No order as to costs."

4. Pursuant thereto, the petitioner submitted fresh representation dated 20.07.2020 at Annexure-AB to the respondent No.2. The respondent No.2-University, by



impugned endorsement dated 30.07.2020 vide Annexure-AC has rejected the request of the petitioner. Being aggrieved by the same, the petitioner is before this Court.

5. Learned counsel for the petitioner contends that as per the UGC Regulations and the University statutes, a Physical Culture Instructor possessing minimum qualification of Post Graduate Diploma/Certificate/Degree in Physical Education and drawing 1986 UGC pay scales is entitled to the benefits claimed. The petitioner has produced the University order dated 29.06.1999 (Annexure-C), wherein the pay scale fixed to his post is Rs.2,200-4,000, which corresponds to the UGC pay scale. The notification dated 27.11.1995 (Annexure-Q) also reflects the UGC pay scale as Rs.2,200-4,000. It is contended that despite fulfilling the requisite qualifications and pay scale criteria, the impugned endorsement has been issued without proper consideration of the documents placed on record.



6. The learned counsel for the respondent No.2-University submitted that all these points have been considered. If the petitioner has any additional grounds, he can make a fresh representation, and the same will be considered in accordance with law.

7. Heard the learned counsel for the parties and perused the writ papers.

8. I have perused the impugned endorsement and the documents which have been relied upon by the petitioner. There is no reason forthcoming in the impugned endorsement that the documents submitted by the petitioner cannot be made applicable to his case. Therefore, the impugned endorsement is passed without application of mind. Therefore, the impugned endorsement is liable to be quashed reserving liberty to the petitioner to submit additional representation, enclosing all relevant documents.

9. Accordingly, the following order is passed:



ORDER

- a) The writ petition is disposed of.
- b) The impugned endorsement dated 30.07.2020 issued by respondent No.2-University vide Annexure-AC is hereby quashed, reserving liberty to the petitioner to submit additional representation, enclosing all relevant documents, within two weeks from date of receipt of the copy of this order.
- c) The respondent No.2-University is directed to consider the additional representation submitted by the petitioner in accordance with law, within three months from the date of receipt of the additional representation, keeping in view the directions issued by this Court in W.P.No.48582/2019 dated 15.07.2020.

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

DM
LIST NO.: 1 SL NO.: 24