



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 12614 OF 2020 (S-RES)

BETWEEN:

DR. R K SOMASHEKHAR
RETIRED PROFESSOR
AGED ABOUT 63 YEARS,
S/O LATE G KALEGOWDA
R/O NO.1492, 7TH CROSS
CHANDRA LAYOUT,
1ST STAGE, 2ND PHASE,
BENGALURU - 560 040.

...PETITIONER

(BY SRI. S R HEGDE HUDLAMANE, ADVOCATE)

AND:

1. REGISTRAR BANGALORE UNIVERSITY
JNANA BHARATHI CAMPUS
BENGALURU - 560 056.
2. ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT OF KARNATAKA

Digitally
signed by
SUNITHA K S
Location:
HIGH COURT
OF
KARNATAKA



VIDHANA SOUDHA
B R AMBEDKAR VEEDHI
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. B PRAMOD, ADVOCATE FOR RESPONDENT NO.1;
SRI.B.J.ESWARAPPA, AGA FOR RESPONDENT NO.2)

THIS WP FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SECURE THE RECORD;
DIRECT THE R-1 TO IMPLEMENT THE RESOLUTION DATED
06.03.2018 AS PER ANNEXURE-K PASSED BY THE SYNDICATE
OF R-1 UNIVERSITY IN ITS 140TH PROCEEDINGS AND FURTHER
DIRECT THE R-1 TO REIMBURSE ALL THE BENEFITS
INCLUDING MONETARY AND OTHER BENEFITS TO THE
PETITIONER FOR WHICH HE IS LEGALLY ENTITLED, SINCE HE
OUGHT TO HAVE BEEN RETIRED AS DEAN OF SCIENCE AND
ALSO A MEMBER OF SYNDICATE AT R-1 UNIVERSITY.

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



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking for a writ of mandamus, directing the first respondent to implement the resolution dated 06.03.2018 as per Annexure-K passed by the Syndicate of the first respondent University in its 140th proceedings and further direct the first respondent to reimburse all the benefits including monetary and other benefits to the petitioner for which the petitioner is legally entitled, since he ought to have been retired as Dean of Science and also a member of Syndicate at first respondent University.

2. The brief facts leading rise to the filing of this writ petition are as follows:

i) The petitioner joined first Respondent University as a faculty member in the Department of Botany on 10.10.1983. Prior to that appointment in first



Respondent University, he has worked as a Lecturer in Botany at Mysore University from 30.01.1980 till 10.10.1983. Pursuant to the clarification of the second Respondent Government, petitioner was placed in the Senior Scale, with effect from 31.01.1986 instead of 10.10.1988. On 31.01.1994, the petitioner was promoted as Reader in first Respondent University. On 12.07.2007, 18 lecturers with Ph.D. holding, and 9 years of service, are promoted as a Readers without insisting 5 years of service on Senior Scale. The petitioner, having noticed the fact of promotion, requested the Additional Chief Secretary by way of objections with relevant documents on 28.01.2016 to consider the petitioner for promotion. The second Respondent/ Government directed the first Respondent/ University to consider the petitioner for re-fixation, which was not complied, and then the second Respondent-Government issued another direction on 07.12.2016. Pursuant to the direction issued by the second Respondent Government, the Syndicate of the first Respondent



University resolved at Item No.26 in its 132nd proceedings considered to re-fix the seniority list of the petitioner. The petitioner submitted a set of representations on 30.07.2018 and on 23.06.2020 to implement the 140th proceedings of the resolution and the University has not implemented the syndicate resolution till today. Hence, this writ petition.

ii) The first Respondent University filed a statement of objections contending that while passing a resolution in 140th proceedings, the University did not follow the procedure prescribed under Section 53 of the Karnataka State University Act, 2000. Hence, the University did not implement the said resolution. Hence, on this ground, prays to dismiss the writ petition.

iii) The petitioner filed a rejoinder to the statement of objections filed by the University contending that the petitioner made several requests to the Board of Appointment and University as they were not ready to correct their mistake, ultimately he was compelled to



approach the Government, by bringing it to the notice of the fact that the Respondent University has not considered the service of the petitioner with the effect on 30.01.1980 to 10.10.1983 and they also did not consider the resolution passed by the Syndicate of Respondent University in its meeting held on 03.02.2017 at Item No. 26 vide Annexure-J. Hence, the Respondent University is under obligation to implement the resolution passed in its meeting. Hence, prays to allow the writ petition.

3. Heard the learned counsel appearing for the petitioners and also the learned counsel appearing for the Respondent University.

4. Learned counsel for the petitioners submit that when the Syndicate has passed the Resolution, they are under the obligation to implement the said resolution. He also submits that the said resolution was passed on 06.03.2018 vide Annexure-K, if the said resolution was passed without following the due procedure, till date, the



Respondent University has not recalled the said resolution. He also submits that the State Government has directed the University to comply with the said resolution. Hence, on this ground, he prays to allow the writ petition.

5. *Per contra*, learned counsel for the respondent-University submits that if reasonable time is granted to the respondent, the respondent will consider Annexure-K and pass an appropriate order in accordance with law.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. There is no dispute that the petitioner was appointed as faculty member in the Department of Botany on 10.10.1983 and prior to that from 30.01.1980 till 10.10.1983 he worked in the Mysore University. The petitioner was placed in the Senior Scale with effect from 31.01.1986 instead of 10.10.1988. The petitioner was promoted as Reader in respondent No.1-University on



31.01.1994. 18 lecturers with PHD holding, and 9 years of service, are promoted as Readers without insisting 5 years of service on Senior Scale. The petitioner having noticed the fact of promotion, requested the Additional Chief Secretary, Government of Karnataka by way of objection with relevant documents to consider the petitioner for promotion. Respondent No.2 directed respondent No.1-University to consider the petitioner for re-fixation, which was not complied, and then respondent No.2 issued another direction on 07.12.2016. Pursuant to the direction issued by the Government, the Syndicate of respondent No.1 resolved at Item No.26 of its 132nd proceedings held on 03.02.2017 to re-fix the Seniority list of the petitioner. Respondent No.1-University in its 140th Syndicate proceedings at Item No.26 re-fixed the Seniority list on 06.03.2018. The petitioner requested respondent No.1 to implement 140th proceedings of the resolution and submitted a set of representations on 30.07.2018 and 23.06.2020. The respondents did not consider the



resolution dated 06.03.2018 to implement the same. When a specific query was put to the learned counsel for respondent No.1 whether the resolution dated 06.03.2018 was recalled?, he fairly submits that the said resolution is not recalled in the subsequent Syndicate meetings. He submits that respondent No.1-University will consider representations and pass an appropriate order in accordance with law.

8. In view of the submission made by the learned counsel for respondent No.1 that respondent No.1-University would consider the representations, and pass an appropriate order in accordance with law.

9. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed.***
- ii. Respondent No.1 is directed to consider Annexures-L and M along with Annexure-K and pass appropriate order in accordance with



law, within four weeks from the date of receipt of copy of this order.

iii. Pending applications, if any, stand disposed off accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

DH/SSB