



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 26534 OF 2025 (S-RES)

BETWEEN:

DR. C. M. LAKSHMANA,
PROFESSOR & HEAD PRC, ISEC
ABOUT 59 YEARS
S/O LATE C.H. MUNIYAPPA
RESIDING AT 1078,
UPKAR LAYOUT, VISHWANEEDAM POST
BENGALURU – 560 091

...PETITIONER

(BY SRI. VIKRAM PHADKE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR ROAD
BENGALURU – 560 001
REPRESENTED BY ITS PRL. SECRETARY,
HIGHER EDUCATION DEPARTMENT
2. INSTITUTE FOR SOCIAL AND ECONOMIC CHANGE
(ISEC), DR. VKRV RAO ROAD,
NAGARBHAVI P.O., BENGALURU – 560 072
REPRESENTED BY ITS REGISTRAR
3. THE CHAIRPERSON,
OF BOARD OF GOVERNORS INSTITUTE FOR
SOCIAL AND ECONOMIC CHANGE (ISEC)
DR. VKRV RAO ROAD, NAGARBHAVI P.O
BENGALURU – 560 072

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE, AGA FOR R1;
SRI DR. JOSEP VERGHESE, SENIOR COUNSEL FOR
SRI. NAVEEN M.S., ADVOCATE FOR R2;
R3 – SERVED)



THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS OF 214TH MEETING OF BOARD OF GOVERNORS DTD. 01.03.2025 FROM THE RESPONDENTS AND QUASH AND SETTING ASIDE THE PORTION OF RESOLUTION 2.4 OF THE 214TH MEETING OF THE BOARD OF GOVERNORS DTD. 01.03.2025, HEADED BY THE CHAIRPERSON, RESPONDENT – 3, AT ANNEXURE-D, TO THE EXTENT THAT IT SPECIFIES / PRESCRIBES THE QUALIFICATION AND EXPERIENCE FOR THE POST OF DIRECTOR OF INSTITUTE FOR SOCIAL AND ECONOMIC CHANGE WITH RESPECT TO PETITIONER AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

“Wherefore, the Petitioner humbly prays that this Hon’ble Court may be pleased to call for the records of 214th Meeting of Board of Governors dated 01.03.2025 from the Respondents and,

- (a) Issue a writ or order in the nature of certiorari, quashing the following:*
 - (i) Setting aside the portion of Resolution 2.4 of the 214th Meeting of the Board of Governors dtd. 01.03.2025, headed by the Chairperson, Respondent – 3, at Annexure-D, to the extend that it specifies / prescribes the qualification and experience for the post of Director of Institute for Social & Economic Change with respect to petitioner.*



- (ii) *Setting aside the Advertisement bearing No.AdvtNo.D/1/2025 dtd. 26.07.2025, at Annexure-G, issued by the 2nd Respondent Registrar;*
- (b) *Consequently, issue direction to the Respondents 2 & 3 to permit the Petitioner to apply for the post of Director of ISEC, with his present qualification and experience, in the interest of justice and equity;*
- (c) *Pass any such order in favour of the Petitioner, in the facts and circumstances of the case, if required by moulding the reliefs, in the interest of justice and equity.”*

2. Heard Sri. Vikram Phadke, learned counsel for the petitioner, Sri. Spoorthy Hegde, learned AGA for respondent No.1 and Dr. Jose P. Varghese, learned Senior Counsel for Sri. Naveen M.S., for respondent No.2 and perused the material on record.

3. Respondent No.3 having been served with the notice of the petition, has chosen to remain unrepresented and has not contested the petition.

4. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner has invited my attention to the 214th



Meeting of the Board of Governors of the respondent Nos.2 and 3 dated 01.03.2025 in order to point out that at Sl.No.2.4, the Board of Governors (BOG) resolved to adopt the qualification criteria and terms and conditions of the appointment of Director at par with the Vice Chancellor of Karnataka, only with regard to minimum qualification and experience as laid down vide Item No.ii of "Selection of Vice – Chancellor of Karnatak University, Dharwad". It is pointed out that the selection to the aforesaid post of Vice-Chancellor of Karnatak University is notified vide Public Notice dated 30.01.2025 which contemplates that a distinguished Academician, with a minimum of 10 years experience as Professor in a University or 10 years of experience in a reputed research and/or academic administrative organization with proof of having demonstrated academic leadership, would be entitled to be selected to the post of the Director of the respondent Nos.2 and 3.

5. It is submitted that though the rules for selection of the Vice-Chancellor of Karnatak University, Dharwad have been expressly adopted by the Board of Governors of respondent Nos.2 and 3 by incorporating the said minimum qualification and experience for appointment of the post of a Director of respondent



No.2 and respondent No.3 also, the respondent Nos.2 and 3 have issued the impugned notification calling for applications to the post of Director by prescribing qualification and experience which are not in conformity or consonance with the qualification and experience provided for appointment to the post of a Vice-Chancellor of Karnatak University, which has been expressly adopted by the respondent Nos.2 and 3. It is also submitted that except the minimum qualification and experience for appointment of the post of the Director to respondent Nos.2 and 3, all other procedures shall be governed by Rule 8 of the Memorandum of Association and Rules and Regulations, which would not be applicable to qualification and experience for appointment to the post of the Director as per Rule 8 (4) of the said Rules and Regulations of respondent Nos.2 and 3. It is also submitted that while the said resolution was taken in the 214th meeting of the Board of Governors on 01.03.2025, was passed by the entire Board of Governors unanimously, the impugned advertisement prescribing a different qualification and experience is issued only by the Registrar, which is also not permissible in terms as per the



Rules and Regulations and the impugned advertisement deserves to be quashed.

6. Per contra, learned Senior Counsel for respondent Nos.2 and 3 would invite my attention to Rule 8(4) in order to point out that the said rule 8(4) provides for framing of service conditions which have been determined by the Board of Governors and the same has been confirmed subsequently by the Appellate Authority, which reiterated the decision taken by the Board of Governors in its 214th meeting dated 01.03.2025 and approved by the President and as such, there is no merit in the petition and the same is liable to be dismissed.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and perused the material on record.

8. Before advertizing to the submissions of learned counsel for the petitioner, it would be necessary to refer to Item No.2.4 of Annexure-D, which reads as under:

***“2.4 Constitution of Search Committee for the
appointment of New Director***



When the BoG took up this agenda for discussion, the Director volunteered to rescue himself so as to maintain the sanctity of the procedure. He was allowed to do so by the Chairman, and he walked out to be called back when the next agenda was to be taken up. Further, the Chairman, BOGs, requested both the Staff Representatives, as also the Registrar I/c to leave the meeting during the consideration of this item.

The BoGs resolved to advertise to fill up the position of the Director following the superannuation of the incumbent Director with effect from May 31, 2025 as per the UGC rules pertaining to the appointment of Vice Chancellor in Karnataka, as the position of Director ISEC is equivalent to that of the former. The Board further resolved to bring the terms & conditions of appointment of Director at par with that of the Vice Chancellor of Karnataka, only with regard to the minimum qualification and experience as laid down vide Item No.ii of "Selection of Vice-Chancellor of Karnataka University, Dharwad" enclosed as Annexure1. All other procedures shall be as laid down vide Rule 8 (pages 12 and 13) of MoA and R & R."

9. It is also necessary to refer to Rule 8 of the Rules and Regulations, which reads as under:

"8. Director



- i. *The first Director of the Institute was Dr.V.K.R.V.Rao who was primarily responsible for the creation of the Institute. He held office for a period of 5 years.*
- ii. *The procedure for subsequent appointments of the Director shall be as follows:*

A Selection Committee shall be constituted by the President consisting of two nominees of the Board of Governors, other than those who are members of the Board, one of whom shall be designated as the Convenor, and a nominee of the President. The Selection Committee shall prepare a panel of not less than three persons, along with a detailed report and submit the same to the President.

After considering the report of the Selection Committee and calling for such further information, as she/he may desire, the President shall make the appointment out of the panel of names submitted. When the panel of names submitted by the Selection Committee gets exhausted, it shall be open to the President to request the Selection Committee to prepare and submit a fresh panel.
- iii. *The Director of the Institute shall be appointed for a term of five years or up to her/his reaching the age of 65 years whichever is earlier, but she/he shall be eligible for appointment for a second term subject to the above. (AGM, December 20, 2007).*



- iv. The Director of the Institute shall be paid a monthly salary equivalent to that of a Vice-Chancellor of a University in Karnataka. The other terms and conditions of her/his service shall be as determined by the Board of Governors.
- v. *An incumbent Director shall continue in office for up to six months if her/his successor is not selected or joins in time. If the vacancy exceeds six months, BOG shall have the authority to extend the appointment by a further period of six months (BOG, September 29, 2007)."*

10. The State Government issued a Public Notice inviting application for the selection of a Vice-Chancellor of Karnataka University, Dharwad by issuing a Public Notice dated 30.01.2025, which reads as under:

"A distinguished Academician, with a minimum of 10 years experience as Professor in a University or 10 years of experience in a reputed research and/or academic administrative organization with proof of having demonstrated academic leadership."

11. A combined reading of the decision taken by the Board of Governors at Sl.No.2.4, Rule 8 of the Rules and Regulations of the respondent Nos.2 and 3 and the qualification and experience



prescribed for selection of the Vice Chancellor of Karnataka University, Dharwad, by the State Government in its Public Notice dated 30.01.2025 is sufficient to come to the conclusion that the minimum qualification and experience for appointment of a person to the post of a Director to the respondent Nos.2 and 3 would be a distinguished Academician, with a minimum of 10 years experience as Professor in a University or 10 years of experience in a reputed research and/or academic administrative organization with proof of having demonstrated academic leadership. However, when this minimum qualification and experience is contrasted with the qualification and experience prescribed in the impugned advertisement inviting applications for the post of a Director of respondent Nos.2 and 3 vide Annexure-G dated 26.07.2025, will indicate that the same is contrary and not in conformity or in consonance with the requirements mentioned above, as can be seen from Sl.No.1(ii), which reads as under:

- “(ii) An outstanding academic or researcher or academic-cum-researcher with a minimum of ten (10) yeas of experience as Professor or Researcher or Professor-cum-Researcher or an equivalent, but in every case equivalent to a professor in a university as per UGC norms in a reputed academic/research/administrative*



organization with proof of having demonstrated qualities of leadership.”

12. It is an undisputed fact that it was a Board of Governors in its 214th meeting dated 01.03.2025, which decided to adopt the Rules and Regulations of the Karnatak University, Item 2 as indicated above, for the purpose of appointment to the post of a Vice-Chancellor, which would be applicable to the appointment to the post of the Director of respondent Nos.2 and 3. However, the impugned application for appointment to the post of the Director has been issued by the Registrar without being preceded by any change in the aforesaid resolution or by any other resolution passed by the Board of Governors, which permitted the said Registrar from prescribing a different qualification or experience. In fact, the respondents themselves have produced the minutes of the 11th Special General Body Meeting of the respondent Nos.2 and 3 dated 29.07.2025, which actually reiterates, confirms and affirms the decision taken by the Board of Governors in its 214th meeting dated 01.03.2025.

13. Under these circumstances, I am of the considered opinion that the impugned advertisement at Sl.No.1(2) to the extent



of the same prescribing qualification and experience for appointment to the post of the Director of respondent Nos.2 and 3 deserves to be quashed and the same be substituted with the qualification and experience prescribed for the Karnatak University as stated supra.

14. Insofar as the contention of the learned Senior Counsel for respondents 2 and 3 that Rule 8 would apply insofar as appointment to the post of the Director of respondent Nos.2 and 3 is concerned, a plain reading of the aforesaid provision is sufficient to come to the conclusion that the said Rules do not provide for minimum qualification or experience and Rule 8(4) specifically provides that terms and conditions of the service shall be determined by the Board of Governors; apart from the fact that the Rule 8 would apply only to a person to the service conditions of the petitioner to a person after being appointed, the Rule 8.4 also clearly makes it clear that the determination of other terms and conditions of the service to the post of a Director shall be determined by the Board of Governors and in the light of such decision already having been taken by the Board of Governors in its 214th meeting dated 01.03.2025, prescribing minimum



qualification and experience as per Rule 1.2 governing appointment to the post of the Vice-Chancellor, the said contention urged by the learned Senior Counsel for the respondent Nos. 2 and 3 cannot be accepted.

15. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) The impugned advertisement dated 26.07.2025 at Annexure-G is hereby quashed.
- iii) The respondent Nos.2 and 3 are directed to issue a fresh advertisement calling for application to the post of Director in conformity with item No.ii of Public Notice dated 30.01.2025 in accordance with law.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**