



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO.101347 OF 2026 (S-RES)

BETWEEN:

DR. RATNA R. BHARAMGOUDAR
AGED ABOUT 54 YEARS, OCC: PROFESSOR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBBALLI.

...PETITIONER

(BY SRI. SUNIL S.DESAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LAW,
JUSTICE AND HUMAN RIGHTS,
VIDHANA SOUDHA, BENGALURU-560001.
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
FINANCE DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560001.
3. THE KARNATAKA STATE LAW UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
NAVANAGAR, HUBBALLI-580001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 AND R2;
SRI. K.L.PATIL, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER BEARING NO.LAW-KLM/6/2023 DATED 21-10-2024 ISSUED BY RESPONDENT NO. 1 VIDE ANNEXURE-R AS ILLEGAL AND ARBITRARY AND FURTHER DECLARE THE ACTION OF THE 1ST RESPONDENT IN TREATING THE PETITIONER APPOINTMENT AT 3RD RESPONDENT INSTITUTION AS A FRESH APPOINTMENT FOR PENSIONER PURPOSE IS ILLEGAL AND CONTRARY TO RULE 252 (B) OF KCSR AND SETTLED LAW, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.





THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

1. The petitioner has approached this Court assailing the legality of denying the benefit of Old Pension Scheme ('OPS' for short) by respondents No.1 and 2-State, wherein by the impugned order, the State Government proceeds on an assumption that technical resignation under Rule 252 (b) of the Karnataka Civil Services Rules, (for short 'KCSR') is inapplicable to the respondent No.3-Law University, treating her appointment as a fresh appointment governed by National Pension Scheme (NPS).

2. Brief facts:

The petitioner joined the Government service on 02.02.1999 as a lecturer under the Karnataka University, Dharwad well prior to the cut off date 01.04.2006. While in continuous service, she applied through proper



channel to respondent No.3 – University. Upon selection, was relieved on 17.07.2013 under Rule 252(b) of the KCSR by way of technical resignation and she joined respondent No.3-Law University on the very same day without any break in service.

Considering the continuity of service, and the representation of the petitioner, the Syndicate of respondent No.3-Law University exercising powers under Rule 30 (xiii) of the Karnataka State Law University Act, 2009, resolved in its 40th meeting dated 30.10.2014, to extend the benefit of OPS. Pursuant thereto order dated 30.01.2015 was issued. After audit objection, the matter was reconsidered in the 86th Syndicate meeting dated 20.03.2021 and again resolved in favour of extending OPS, culminating in order dated 21.05.2021. However, respondent No.1 by the impugned dated 21.10.2024 rejected the claim holding that Rule 252(b) KCSR is not applicable to autonomous bodies and universities. Aggrieved, the petitioner is before this Court.



3. Learned counsel for the petitioner relying upon Rule 252 (b) of the KCSR submits that the petitioner had joined Government service prior to 01.04.2006 and therefore, falls under OPS regime. It is submitted that, her appointment was through proper channel and by way of technical resignation under Rule 252(b) of the KCSR. It is submitted that, Rule 252(b) clearly stipulates that, the resignation to take up another appointment with proper permission is not a resignation from public service. It is submitted that the action of respondent No.1 in treating the appointment as fresh appointment is contrary to Rule 252(b) of KCSR and settled law. In support of his contention, he has relied upon the following decisions:



- 3.1. In the case of ***Ramesh Chandra Sharma vs. Punjab National Bank***¹, (*Ramesh Chandra Sharma*), wherein it has been held that where an employee moves from one post to another with permission and through proper channels, the said appointment cannot be construed as a resignation or a fresh appointment, but has to be treated as a past service, which needs to be protected.
- 3.2. Further, he relies upon the decision of the Apex Court in the case of ***G. Rabinathan vs. State of Karnataka***² (*G. Rabinathan*) to contend that the resignation tendered to take up another appointment with prior permission retains the character of technical resignation, preserving the service benefits.

¹ (2007) 9 SCC 15

² AIR 1995 SC 1474



3.3. He also takes support of the decision of the Apex Court in the case of ***C. Lalitha vs. State of Karnataka***³ (*C.Lalitha*) to contend that the past service cannot be ignored for pensionary benefits.

3.4. He also submits that, based on the judgment of the Apex Court, this Court has held in the case of ***Dr S.N.Vasudevan vs. State of Karnataka and others***⁴ (*Dr. S.N.Vasudevan*) and in the case of ***Sri H.Siddalinga Murthy vs. State of Karnataka and others***⁵, (*Sri H.Siddalinga Murthy*), observing that the technical resignation under Rule 252 (b) of the KCSR must be treated as a continuity of service for determining pensionary benefits including applicability of OPS.

³ (2006) 2 SCC 747

⁴ W.P.No.10327/2021 (Disposed on : 06.03.2024)

⁵ W.P.No.113/2017 and connected matters (Disposed on : 25.07.2023)



4. Learned Additional Government Advocate appearing for the respondent-State submits that respondent No.3-Law University is an autonomous body, it does not come within the purview of Rule 252(b) of the KCSR and the impugned order is justified, and the petitioner's appointment in respondent No.3 must be treated as fresh appointment governed by NPS.
5. This Court has carefully considered the rival contentions urged and perused the material available on record.
6. The point that would arise for consideration is:

'Whether the impugned order denying the benefit of Old Pension Scheme to the petitioner treating her appointment as fresh appointment is contrary to Rule 252(b) of the KCSR and whether the same warrant any interference by this Court ?'
7. In order to answer the point for consideration, it is relevant to extract Rule 2(1) of the KCSR, which reads as under;



"2. Application.—(1) *Save as otherwise provided in these rules, this shall apply to all the persons appointed to civil services and serving in connection with the affairs of the State of Karnataka".*

8. It is also relevant to state the provision of 252(b) of the KCSR, which reads as under:

"252. (a). x x x x x x

252(b) *Resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service."*

9. Rule 2(1) of the KCSR makes the rules applicable to the persons appointed to the civil servants serving in connection with the affairs of the State. The material on record establishes that the petitioner joined Government Service prior to 01.04.2006, she applied through proper channel, she was relieved under 252(b) KCSR and she joined respondent No.3 on the same day without breaking service.



10. It has also brought to the notice of this Court that the Statute Governing Delegation Of Administrative And Financial Powers, 2021, wherein under the powers conferred under Section 46 (20) read with Section 53 of the Karnataka State Law University Act, 2009, the Syndicate of Karnataka State Law University has framed a statute namely;

"1. **Title and Commencement**— x x x x

2 to 13. x x x x

14. *Financial Mattes not specifically covered under this Statute shall be governed by the relevant principles of the Karnataka Financial Code, KCSR, Karnataka Treasury code, the Karnataka Contingency Manual, Karnataka Pension Manual and other financial rules of Government of Karnataka. The Administrative/Service matters not specifically covered under this Statute shall be governed by the Karnataka Civil Services (Classification, Control and Appeal) rules, 1957, the Karnataka Civil Services (conduct) Rules, 2021 and any other rules, in mutatis mutandis, framed in this regard by the Government of Karnataka issued from time to time."*

11. Statute 14 of 2021 statute of respondent No.3 specifically adopts KCSR and related financial rules *mutatis mutandis*. Therefore, the contention that



KCSR is inapplicable to respondent No.3 is unsustainable.

12. The Apex Court in the case of **Ramesh Chandra Sharma** (*supra*), has categorically held that, movement through a proper channel could not be construed as a resignation or a fresh appointment and past service must be protected. Similarly in G. **Rabinathan** (*supra*) and **C. Lalitha** (*supra*) the Apex Court has recognized protection of past service and pensionary benefits.
13. This Court in **Dr. S.N.Vasudevan** and **Sri H.Siddalinga Murthy** (*supra*), has held that a technical resignation serves as a strategic tool within organizational framework, enabling seamless internal talent mobility while aligning with the broader talent management objectives. When an employee tenders a technical resignation, the calculation of past services is a critical aspect for determining entitlements such as pension benefits,



which the respondent No.1 has arbitrarily denied. The syndicate of respondent No.3 twice resolved to extend OPS benefits. The State cannot override a valid statutory resolution without authority of law. Therefore, the impugned order proceeds on an erroneous assumption that Rule 252(b) is inapplicable to Universities and is contrary to statutory provisions and settled legal principles.

14. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

- i. Writ petition is **allowed**.
- ii. The impugned order dated 21.10.2024 (Annexure-R) issued by respondent No.1 is hereby **quashed**.
- iii. The respondents No.1 and 2 are directed to extend the benefit of 'Old Pension Scheme' to



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the petitioner reckoning the past service
rendered, in accordance with law.

**Sd/-
JUSTICE K.S.HEMALEKHA**

AM/-
CT:VH
List No.: 1 Sl No.: 9