



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

WRIT PETITION NO. 202370 OF 2025 (S-TR)

BETWEEN:

KUMARI ANITA WAGE,
AGE:47 YEARS, OCC:FARM MANAGER,
AGRICULTURE SCIENCE UNIVERSITY,
KRUSHI VIDNAYANA KENDRA, BIDAR,
R/O. BIDAR-585402.

...PETITIONER

(BY SRI SHIVASHANKAR H. MANUR, ADVOCATE)

AND:

1. AGRICULTURE SCIENCE UNIVERSITY,
RAICHUR, REPRESENTED BY ITS
ADMINISTRATOR, RAICHUR-584104.
2. THE VICE-CHANCELLER,
AGRICULTURE SCIENCE UNIVERSITY,
RAICHUR-584104.
3. THE REGISTRAR,
AGRICULTURE SCIENCE UNIVERSITY,
RAICHUR-584104.
4. KRISHI VIDNYANA KENDRA,
BIDAR, REPRESENTED BY ITS
HEAD OF THE CENTRE, BIDAR-585402.

...RESPONDENTS

(BY SRI MAHANTESH PATIL, ADVOCATE FOR R3;
R1, R2 AND R4 ARE SERVED)

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 19.05.2025 PASSED BY THE 1ST RESPONDENT IN NO.ಅಆ/ಕೃವಿವಿರಾ/ಆವಿ/ವರ್ಗಾವಣೆ/95/2025-26 VIDE ANNEXURE-P SO FAR AS THE PETITIONER IS CONCERNED AND ISSUE A WRIT OF MANDAMUS OR ANY SUITABLE DIRECTIONS DIRECTING THE RESPONDENTS AUTHORITIES TO CONSIDER THE PETITIONERS REQUEST AND REPRESENTATION DATED 21.05.2025 VIDE ANNEXURE-Q WITH DUE PROCESS OF LAW.

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

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

Petitioner is before this Court seeking following reliefs :

- i) Issue a writ of certiorari quashing the order dated 19.05.2025 passed by the 1st respondent in No.ಅಆ/ಕೃವಿವಿರಾ/ಆವಿ/ವರ್ಗಾವಣೆ/95/2025-26 vide Annexure-P so far as the petitioner is concerned.
- ii) Issue a writ of mandamus or any suitable directions directing the respondents authorities to consider the petitioners request and representation dated 21.05.2025 vide Annexure-Q with due process of law.



2. Petitioner who was working as the Farm Manager at respondent No.3-Agricultural Science University, Raichur, was earlier transferred to Raddevadagi by an order dated 19.08.2023. Aggrieved by which petitioner had approached this Court by filing writ petition in W.P.No.202738/2023. By order dated 22.01.2024, this Court had disposed of the said writ petition. Para 11 of the said order reads as under :

"11. Then coming to the facts of the case, this Court has gone through the material on record, which clearly shows that there are disputes between the petitioner and the unofficial respondent and the decision is taken in the interest of both the employees. This Court finds no irregularity with the said action. Accordingly, the writ petition is disposed of permitting the petitioner to make the representation to the respondents, if so advised for any other place except Kalaburagi and the respondents shall consider the representation of the writ petitioner. The representation shall be made within one week from today and the respondents shall pass appropriate orders within one week from thereon and whole exercise shall be completed within a period of 15 days i.e., by 06.02.2024. Till such time, the interim order granted in this writ petition will be in force."

3. That in furtherance to the aforesaid order, petitioner made a representation dated 29.02.2024



seeking cancellation of the said transfer order and requested to permit her to continue in the present posting. Accordingly said order was cancelled and she was permitted to continue at Bidar.

4. Subsequently, by the impugned order dated 19.05.2025, the respondent No.1-University has transferred the petitioner from her present posting at Bidar to KVK Kawadimatti Agricultural Research Center as Farm Manager. The respondent No.1-University also issued release order on the very same day.

5. In response thereof the petitioner had given a representation once again requesting to cancel the transfer order and to permit her to continue on the premise that there were certain police cases registered and are pending consideration before the Court and that it would be difficult for her to prosecute the said matters if her request was not considered. Hence, sought for permission to continue in the present posting. Aggrieved by the impugned order dated 19.05.2025 and her



representation not being considered by the respondent No.1-University, petitioner has approached this Court by the present writ petition.

6. This Court by order dated 07.08.2025 had granted an interim order of stay staying the operation of the impugned order dated 19.05.2025.

7. Learned counsel appearing for the petitioner reiterating the grounds urged in the memorandum of petition submit that the respondent-University by order dated 12.05.2025 produced at Annexure-N had transferred certain employees. In that, the name of the petitioner was not reflected. The said transfer order at Annexure-N was the general transfer. Thus, once the general transfer is effected without any request or choice, the respondent No.1-University could not have issued the impugned transfer order dated 19.05.2025, transferring the petitioner alone which is impermissible. He submits that there are no rules governing the transfer of the employees of respondent No.1-University. However, even under the



transfer guidelines issued by the Government of Karnataka for the year 2025-2026, more than 6% of the total cadres strength cannot be transferred. He submits since the respondent No.1-University in terms of Annexure-A has already transferred 5% of employees, which constitute more than 70% of the cadre strength, the impugned transfer order is unsustainable.

8. That in terms of Guideline No.6(3) any special transfer other than the general transfer can be effected only after obtaining the prior permission of the Chief Minister. Referring to Guideline No.7(3), he submits that the petitioner is entitled to remain in her present posting for 10 years as she was posted to the present posting in the year 2017. He further submits that petitioner being unmarried has an option to choose her place of choice as per Guideline No.8(7). Thus, he submits that the impugned transfer order be set-aside.

9. In response, learned counsel appearing for the respondent No.1-University referring to the documents



enclosed to the application filed seeking vacating of the interim order, submits that the petitioner being Group-A employee is entitled to stay in her posting only for a period of two years. In the instant case, petitioner having been posted to the current posting effective from 22.03.2017, has stayed for over eight years. That petitioner despite the orders of transfer and the relieving orders coming into effect on and from 19.05.2025, has unauthorisedly barging into the office and has been creating ruckus every day in the office. Drawing attention of this Court to the memo dated 18.09.2025 and the document enclosed therewith which is addressed by the Senior Scientist and Head of the University to the Administrative Officer of University of Agricultural Sciences, Raichur, he submits that in the said letter, the Senior Scientist and Head of the respondent No.3 has narrated the impediment, hurdles and difficulties being created by the petitioner in the day to day official activities. He also submits that the petitioner after filing



the present writ petition has forcibly snatched the attendance register and has overwritten the entries in the attendance register.

10. As regards the contention of petitioner being entitled to stay in her current post for a minimum period of 10 years as per guideline No.7(3), learned counsel submits that the said rule is applicable only to those who were originally posted in the Hyderabad-Karnataka region. In the instant case, petitioner was admittedly appointed in the year 2009 and the period of 10 years contemplated therein has stood expired. As such, she is not entitled to seek benefit thereunder.

11. He further submits that the limit of 6% referred to by the learned counsel for the petitioner is not applicable to the instant case as the post of Farm Manager is only one and only petitioner is occupying the said post and the said guidelines is not applicable.



12. As regards the contention of requirement of obtaining prior permission of the Chief Minister, as per Guideline No.6(3), learned counsel submits that the transfer of the petitioner does not fall within the criteria contemplated under the said rule as evident from the impugned transfer order.

13. He submits that the circumstances contemplated under Guideline No.8 is not applicable in the instant case inasmuch as the petitioner has outlived the minimum period of two years prescribed for Group-A employee. Hence, seeks for dismissal of the petition.

14. Heard. Perused the records.

15. It is settled position of law that transfer is an incident of employment and unless *mala fide* or illegality on the part of the authorities is made out, interference by the Courts are to be circumspect. Admittedly there are no guidelines in the respondent No.1-University governing the transfer process. However, for the purpose of



convenience, the Government orders issued from time to time has been relied upon for the purpose of transfer. This aspect of the matter is not in dispute.

16. It is also not in dispute the petitioner is Group-A employee, who was appointed in the year 2009 and transferred to the present post effective from 22.03.2017 and has been occupying the current post for over eight years. As per the guidelines, the minimum duration which a Group-A employee can stay in a particular posting is two years. Any reduction or extension thereof is for exceptional reasons and circumstances mentioned in Guideline No.8. Petitioner does not fall in any of the circumstances contemplated under Guidelines No.8.

17. The contention urged by the counsel for the petitioner that petitioner would fall beyond the limit of 6% of the total cadre strength as contemplated under Guideline No.7 also not applicable inasmuch as admittedly the petitioner who is the sole candidate occupying the current post for over eight years. Therefore the limit



prescribed for 6% cannot be taken shelter by the petitioner.

18. It is necessary also to know that the petitioner had approached this Court on earlier occasion when she was transferred in the year 2024. This Court while declining to quash or to set-aside said transfer order impugned thereunder, had disposed of the writ petition merely directing the petitioner herein to make a representation seeking alternate posting. Under the guise of the said order, petitioner instead of seeking alternate place/posting had sought for cancellation of the transfer order and managed to stay in the same position till the impugned transfer order is passed. Even after the impugned transfer order and the relieving order, as revealed from the records, petitioner has continued to occupy the current post forcibly. Record also *prima facie* show that the petitioner is creating virulent atmosphere in the workplace in the nature of forcibly over writing and entering her attendance in the register despite she having



been relieved. This attitude apart from the above, *prima facie* disentitle the petitioner for any equitable relief. Notwithstanding the same, the rules referred to above do not make out any provision for the consideration of petitioner's case.

19. No grounds made out. Petition lacks merit. Accordingly the same is ***dismissed***.

In view of disposal of main petition, pending interlocutory applications, if any, do not survive for consideration. Accordingly, they are dismissed.

Sd/-
(M.G.S.KAMAL)
JUDGE

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List No.: 1 Sl No.: 2
CT:PK