



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE N S SANJAY GOWDA**

**WRIT PETITION NO. 21120 OF 2023 (S-RES)**

**BETWEEN:**

1. SMT GAYATHRI BAI B S  
W/O SRI GANGADHARA NAIK I S  
AGED ABOUT 33 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A ANJANADRI NILAYA  
8TH CROSS, MALLESHWARA NAGAR  
ARASIKERE-573103.
2. SMT PREMA PYATIGOUDAR  
W/O SRI MOHAN GOUROJI  
AGED ABOUT 33 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A BANASHANKARI NILAYA  
VINAYAKA LAYOUT,  
THOTADA GUDDADAHALLI  
DOOR NO.88, IST MAIN,  
NAGASANDRA  
BENGALURU-560073.
3. SRI MANJUNATHA N  
S/O SRI NIRANJANA MURTHY D  
AGED ABOUT 36 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A IRAKASANDRA @ POST

Digitally  
signed by  
PANKAJA S  
Location:  
HIGH  
COURT OF  
KARNATAKA



CHELUR HOBLI,  
TUMKUR-572117.

4. SRI PARAPPA R  
S/O LATE RAMANNA  
AGED ABOUT 36 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A VIJAYARAGHAVA  
2ND BLOCK, KUVEMPU NAGARA  
TUMKUR-572103.
5. SRI RAGHAVENDRA N  
S/O SRI NARASIMHA MURTHY T N  
AGED ABOUT 38 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A BILVA KAPILA  
8TH A CROSS, KEB LAYOUT  
SAPTAGIRI(SOUTH),  
TUMKUR-572102.
6. KUMARI AAISHA TAZEEN  
D/O FIYAZ AHMED  
AGED ABOUT 38 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A 1ST FLOOR  
GREEN BUILDING  
OPP KUVEMPU STATUE  
KUVEMPU NAGAR,  
TUMKUR-572103.
7. SRI RAVI D N  
S/O LATE NAGARAJU D H  
AGED ABOUT 46 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD,



TUMKUR-572103  
AND R/A VAJRA KAYA  
GEDDALAHALLI ROAD, GULUR  
TUMKUR-572118.

8. SRI DAYANANDA V  
S/O LATE B VENKATAPPA  
AGED ABOUT 49 YEARS  
WORKING AS FIRST DIVISION ASSISTANT  
TUMKUR UNIVERSITY  
B H ROAD, TUMKUR-572103  
AND R/A NEAR BYLANJANEYA TEMPLE  
HANUMANTHAPURA,  
TUMKUR-572103.

...PETITIONERS

(BY SRI. M NAGARAJAN., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY  
ITS SECRETARY TO GOVERNMENT  
DEPARTMENT OF HIGHER EDUCATION  
(UNIVERSITY-2)  
M S BUILDING,  
BENGALURU-560001.
2. TUMKUR UNIVERSITY  
REPRESENTED BY  
ITS REGISTRAR  
B H ROAD,  
TUMKUR-572103.

...RESPONDENTS

(BY SRI. B.RAVINDRANATH., ADVOCATE FOR R-1;  
SRI. T.P.RAJENDRA KUMAR SUNGAY, ADVOCATE FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR  
THE ENTIRE RECORDS PERTAINING TO GOVERNMENT ORDER  
BEARING NO. ED 25 UTT 2021 DATED 01.12.2022 BENGALURU



VIDE ANNEXURE-A PASSED BY RESPONDENT No.1 BY WHICH THE RESOLUTION OF THE SYNDICATE DATED 30.11.2021 WAS CANCELED AND THE LETTER OF RESPONDENT No.1 BEARING NO. ED 25 UTT 2021 DATED 16.05.2023 VIDE ANNEXURE-Q BY WHICH RESPONDENT No.1 DIRECTED THE RESPONDENT No.2 TO TAKE APPROPRIATE STEPS IN TERMS OF THE SAID ORDER DATED 01.12.2022 AND REPORT THE SAME TO RESPONDENT No.1 INSOFAR PETITIONERS ARE CONCERNED, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

1. The State Government, in exercise of the powers conferred under Section 10(1) of the Karnataka State Universities Act, 2000 (for short '**the Act**'), has passed the impugned order, by which the promotions conferred on the petitioners have been annulled.

2. The learned counsel for the petitioners put forth various arguments as to why this decision of the Government was illegal and unsustainable. One of the grounds advanced was that though there was no specific provision culled out in Section 10 of the Act requiring the State Government to hear the University or the affected parties before taking a decision, nevertheless, this Court,



in the decision rendered in ***C.Krishna's***<sup>1</sup> case, has laid down the law that the Government is duty-bound to hear the affected parties and the University, before it passes any order under Section 10 of the Act, annulling the decision of the University.

3. In my view, this argument, that the State Government was required to hear the petitioners and then pass an order under Section 10 of the Act, is well founded.

4. Therefore, the State Government is directed to notify the petitioners and also the respondent—University, consider the cause shown by them and then proceed to pass appropriate orders in accordance with law.

5. Resultantly, the impugned order is ***quashed***.

6. The State Government is at liberty to pass appropriate orders under Section 10 of the Act after hearing the petitioners and the respondent—University as stated above.

---

<sup>1</sup> C.Krishna vs. University of Mysore, AIR 2005 KAR 616



7. The Writ petition is accordingly ***allowed***.
8. It is needless to state that all the contentions of both parties are left open for being urged.

**Sd/-**  
**JUDGE**

RK  
CT: SN  
List No.: 1 Sl No.: 66