

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SURAJ GOVINDARAJ

WRIT APPEAL NO.105 OF 2022 (S-RES)

BETWEEN:

- 1 . DR S. SRINIVASA
- 2 . DR. TEJASWINI T.V.
- 3 . DR SWAMY N.,
- 4 . DR. CHANDRASHEKARA H.R.
- 5 . DR. RAMYA Y.P.

6 . DR. GANESH

7 . SHILPA N

8 . DEVARAJU A.R.
S/O. S. S. S. S.

9 . PRASANNA KUMAR T.K.

10 . KUMAR B.R.

11 . CHETHAN B.N.

12 . CHANDUSRI H.N.
S/O. MANGARAJU H.C.

13 . MAHENDRA K.B.

14 . SHIVAKUMARA SWAMY B.N.

15 . DR. SIDDAPPAJI D

16 . DR. ANANDA C
S/O. SURESH KUMAR H.C.

17 . DR. KARIYANNA E

18 . PAVITHRA M.K.
W/O. MANGATHI KUMAR H.C.

19 . DR SHIVAIAH M

... APPELLANTS

(BY PROF. RAVIVARMA KUMAR, SENIOR ADVOCATE FOR
SMT. G. SHARADA BAI, ADVOCATE)

AND:

1 . MANDYA UNIVERSITY
M.C. ROAD
MANDYA - 571 401
REP. BY ITS REGISTRAR

2 . MANDYA UNIVERSITY
M.C. ROAD
MANDYA - 571 401
REP. BY ITS VICE CHANCELLOR

3 . STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION
(UNIVERSITIES)
M.S. BUILDING
DR. AMBEDKAR VEEDHI
BANGALORE - 560 001

... RESPONDENTS

(SRI H.C. SHIVARAMU, ADVOCATE FOR
CAVEATOR/RESPONDENT No.2
SRI S. RAJASHEKAR, AGA FOR RESPONDENT NO.3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED 21/12/2021 MADE IN WP NO.19951/2021
AND ETC.

THIS APPEAL COMING ON FOR ORDERS THROUGH VIDEO
CONFERENCING THIS DAY, **SURAJ GOVINDARAJ J.** DELIVERED
THE FOLLOWING:

JUDGMENT

1. This *intra*-Court appeal is filed challenging the order dated 21.12.2021 passed by the learned Single Judge in Writ Petition No.19951/2021.
2. The said writ petition in W.P.No.19951/2021 had been filed seeking for a mandamus directing the respondents to continue the petitioners/appellants in their services as Guest Lecturers for the academic year 2021-22 in terms of the communications dated 07.10.2021 and 22.10.2021 issued by the State of Karnataka, Department of Higher Education (Universities).
3. The said writ petition came to be dismissed by the learned Single Judge on the ground that in the earlier round of litigation in Writ Petition No.893/2021, another Single Judge, vide order dated 18.02.2021, though had allowed the writ petition and quashed the communication dated 17.06.2020 terminating the services of the appellants had only held that the appellants would be entitled to continue as Guest Lecturers in the University upto completion of the academic year 2020-21 i.e., upto 30.09.2021, in

terms of the earlier communication made by the State Government to all the Universities dated 23.11.2020. Learned Single Judge in Writ Petition No.19951/2021 was of the opinion that the extension of continuation of services of the appellants was only restricted to one year period as per the order dated 18.02.2021 passed in Writ Petition No.893/2021.

4. The reason why the dispute has arisen is that during the COVID-19 period, as respondent No.1 - University as also several other Universities across the State of Karnataka were not in a position to recruit Lecturers to the Universities, as such on two occasions for the year 2020, vide communication dated 23.11.2020 and for the year 2021, vide communication dated 07.10.2021, the period of services of the Guest Lecturers was extended by one academic year.
5. Sri H.C.Shivaramu, learned counsel appearing for respondent No.1 would submit that now, respondent No.1 - University has issued a notification inviting applications for the purpose of appointment of Lecturers in the University and as such, there was no

requirement of Guest Lecturers since permanent Lecturers would be appointed in the University.

6. In view of the above, we pass the following:
 - i. The Guest Lecturers now working shall be entitled to the benefit of the Notification dated 7.10.2021 for extension of service by one more academic year until the recruitment of lecturers is completed;
 - ii. The petitioners/appellants and other similarly situated Guest Lecturers would be entitled to participate in the said recruitment process, however, the petitioners/appellants shall not be entitled to claim any particular equity on account of they having worked as Guest Lecturers;
 - iii. The continuation of service for this academic year and/or the benefit of the Notification dated 7.10.2021 would only be available if no one else is appointed or joined as Guest Lecturers by respondent No.1-University as on today;

- iv. The benefit shall only extend until the date of the successful candidates in the recruitment process joining their post at the University;
- v. The recruitment is to be carried out strictly as per the recruitment Notification in accordance with law.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

A:HB