

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.1774 OF 2024 (S-RES)

C/W

CIVIL CONTEMPT PETITION NO.126 OF 2024

IN WA NO.1774 OF 2024:

BETWEEN:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
M.S. BUILDING
BENGALURU-560 001.
- 2 . THE COMMISSIONER
DEPARTMENT OF COLLEGIATE EDUCATION
OFFICE OF THE COMMISSIONER OF
COLLEGIATE EDUCATION
K.R. CIRCLE
BENGALURU-573 201.
- 3 . JOINT DIRECTOR
COLLEGIATE EDUCATION DEPARTMENT
REGIONAL OFFICE
SHIVAMOGGA-577 202.
- 4 . THE PRINCIPAL
SRI VENKATESHWARA COLLEGE OF EDUCATION
NEAR NH-4 CIRCLE
CHITRADURGA-577 501.

...APPELLANTS

(BY SMT. MAMATHA SHETTY, AGA)

AND:

- 1 . SRI. R.S. RAJU
S/O LATE G. SHIVARUDRAPPA
AGED ABOUT 52 YEARS
WORKING AS LECTURER
SRI VENKATESHWARA COLLEGE OF EDUCATION
NEAR NH-4 CIRCLE
CHITRADURGA-577 501.
- 2 . SRI. V. PRAKASH
S/O VIRUPAKSHAPPA C.
AGED ABOUT 51 YEARS
WORKING AS LECTURER
SRI VENKATESHWARA COLLEGE OF EDUCATION
NEAR NH-4 CIRCLE
CHITRADURGA-577 501.

...RESPONDENTS

(BY SRI. SRIDHAR G. BIDRE, ADVOCATE FOR
SRI. RAGHAVENDRA G. GAYATRI, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO ALLOW THE WRIT APPEAL
AND SET ASIDE ORDER DATED 21.07.2023 PASSED BY THE
LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP
No.19006/2021 (S-RES) AND ETC.

IN CCC No.126 OF 2024:**BETWEEN:**

- 1 . SRI. R.S. RAJU
S/O LATE G. SHIVARUDRAPPA
AGED ABOUT 55 YEARS
WORKING AS LECTURER
SRI VENKATESHWARA COLLEGE OF EDUCATION
NEAR NH-4 CIRCLE
CHITRADURGA-577 501.
- 2 . SRI. V. PRAKASH
S/O VIRUPAKSHAPPA C.
AGED ABOUT 54 YEARS

WORKING AS LECTURER
SRI VENKATESHWARA COLLEGE OF EDUCATION
NEAR NH-4 CIRCLE
CHITRADURGA-577 501

...COMPLAINANTS

(BY SRI. SRIDHAR G. BIDRE, ADVOCATE FOR
SRI. RAGHAVENDRA G. GAYATRI, ADVOCATE)

AND:

- 1 . SRI. SRIKAR M.S., I.A.S.
PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
EDUCATION DEPARTMENT
M.S. BUILDING
BENGALURU-560 001
- 2 . SRI. G. JAGADISH, I.A.S.
COMMISSIONER
DEPARTMENT OF COLLEGIATE EDUCATION
OFFICE OF THE COMMISSIONER
OF COLLEGIATE EDUCATION
K.R. CIRCLE
BENGALURU-560 001

...ACCUSED

- 3 . THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
EDUCATION DEPARTMENT
M.S. BUILDING, BENGALURU-560 001

...PROFORMA RESPONDENT

(BY SMT. MAMATHA SHETTY, AGA)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURTS ACT, 1971, PRAYING TO TAKE ACTION
AGAINST THE ACCUSED FOR DISOBEDIENCE OF THIS COURT'S
ORDER DATED 21.07.2023 AND 16.08.2023 IN WP
No.19006/2021 AND ETC.

THIS WA AND CCC HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 04.11.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Writ Appeal No.1774/2024 is preferred by the State against the judgment dated 21.07.2023 of the learned Single Judge in Writ Petition No.19006 of 2021 (S-RES) and C.C.C.No.126/2024 is filed alleging willful disobedience of the order. The parties are being referred to as arrayed in the Writ Appeal.

2. We have heard Shri. Mamatha Shetty, learned Additional Government Advocate for the appellants/State as well as Shri. Sridhar G. Bidre, learned counsel for Shri. Raghavendra G. Gayatri, learned Advocate for the respondents/complainants.

3. The writ petition was filed by the respondents challenging Annexure A, B and C orders dated 30.03.2021, 19.04.2021 and 08.07.2021, respectively, as being contrary to the Government order dated 28.03.2016. Directions are also sought by respondents No.2 and 3 to implement the Government order dated 28.03.2016 Vide ANNEXURE-NN by extending the UGC pay scale to the Petitioners from the date of acquiring M.Phil qualification as stated in the said Government order.

4. The writ petitioners were teachers, who were appointed in respondent No. 4-Institution when it was a Private Unaided Institution. While so, they completed their M.Phil course before 2009. They approached the respondents for extending UGC pay scales on the basis of their qualification. The Government Order dated 18.05.2011, whereby UGC scale of pay was granted to Lecturers of A.R.M. First Grade College, Davanagere, was relied on by the writ petitioners. They also stated that similar relief was extended to one M.S. Veena, who was working in the Sarvagnya College of Education by Annexure 'HH'-Order.

Their representation to grant UGC pay scale was considered and the Joint Director of Collegiate Education had recommended the extension of the UGC pay scale subject to the approval of the Commissioner, Department of Collegiate Education. However, Annexure 'A' letter was issued on 30.03.2021 rejecting the request of the petitioners which prompted the filing of the writ petition.

5. The respondents/appellants raised contentions that the Institution was granted grant-in-aid status only on 20.12.2010. It was therefore contended that pursuant to the UGC (Minimum Qualifications required for the appointment and career advancement of Teachers in Universities and Institutions affiliated to it) (3rd Amendment), Regulation 2009, ('Regulation 2009' for short) M.Phil was no longer a qualification which exempted the candidate possessing it from passing NET/SLET. It was therefore contended that since the writ petitioners were brought into the grant-in-aid only in 2010, their M.Phil degrees acquired before 2009 could not be taken into account. The learned Single Judge took note of the

qualifications and the UGC Regulations and found that M.Phil degree was accepted as a qualification for granting exemption from passing NET/SLET till 11.07.2009, when the UGC regulations were amended. It was also found that identically situated persons had been granted the benefit of UGC pay scale considering their M.Phil Qualifications acquired before 11.07.2009. On these grounds the writ petition was allowed and the petitioners were held entitled for UGC benefits in terms of Regulations 2009 and other consequential benefits.

6. The learned Additional Government Advocate appearing for the appellants submits that the cases of similarly situated persons referred to by the learned Single Judge could be easily distinguished since the writ petitioners had been brought into grant-in-aid only on 20.12.2010. It is contended that since as on the date when the petitioners were brought into the grant-in-aid, the qualification of NET/SLET was exempted only for those who possessed Ph.D qualification. The petitioners could not raise such a claim. It is further contended that the UGC pay scale granted to Smt.

Veena is withdrawn and that the parity as stated by the learned Single Judge is not applicable. It is further contended that the 6th UGC pay scales were extended to Teachers of B.Ed Colleges by Order dated 01.02.2011. It was specifically stated that as from 11.07.2009, teaching staff who have not acquired the qualification prescribed by the UGC are not entitled to avail the benefit of UGC pay scale.

7. Reliance is also placed on a Government letter dated 25.07.2022 and it is submitted that UGC benefits cannot be extended to Teachers who did not have NET/SLET/Ph.D. qualification acquired before 11.07.2009.

8. The learned Additional Government Advocate appearing for the State relied on the following decisions of this Court:-

- ***The State of Karnataka and Others v. Smt. V.D. Suvarna and Another*, by Order dated 12.06.2024 passed in WA 943 OF 2023 (S-RES); and**
- ***Smt Vimala U v. State of Karnataka and others*, by Order dated 16.03.2016 passed in Writ Petition No.10479/2016 (S-KAT).**

9. The learned counsel appearing for the respondents/complainants submits that they were entitled to be placed in the UGC pay scale on acquiring the UGC qualifications. It is submitted that they had acquired M.Phil qualification prior to 11.07.2009. On acquisition of M.Phil qualification, they were entitled to the benefit of exemption from NET/SLET. Therefore, it is contended that they are entitled to be placed in the UGC scale as on the date when they acquire all other qualifications prescribed by UGC, that is, Post Graduation in the subject as well as M.ED. It is submitted that since the question has been considered in detail by the learned Single Judge, there is no error in such consideration and the writ appeal is liable to be dismissed.

10. The learned counsel appearing for the respondents/complainants has relied on the decision of Apex Court in the case of ***University of Kerala and Others v. Merlin J.N. and Another***, reported in **(2022) 9 SCC 389**.

11. We have considered the contentions advanced. It is an admitted fact that the respondents were appointed in the fourth respondent College. When they were appointed,

they had the qualification prescribed for appointment. With regard to the exemption for M.Phil degree holders from passing NET/SLET, the 2006 UGC Regulations provided as under:-

"UNIVERSITY GRANTS COMMISSION (MINIMUM QUALIFICATIONS REQUIRED FOR THE APPOINTMENT AND CAREER ADVANCEMENT OF TEACHERS IN UNIVERSITIES AND INSTITUTIONS AFFILIATED TO IT) (SECOND AMENDMENT REGULATIONS, 2006).

*UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI-110002*

F.No.1-1/2002(PS) Exemp

14th June, 2006

NOTIFICATION

In exercise of the powers conferred by clause (e) & (g) of sub-section(1) of Section 26 read with Section 14 of University Grants Commission Act, 1956 (3 of 1956), and in supersession of the Regulations issued under University Grants Commission letter No.F.1-93/74(CPP) Part (V) dated 13th June, 1983, No.F.1-11/87 (CPP-II) dated 19th September, 1991 and No.F.1-11/87(CPP) dated 21st June, 1995 and Notification No.F.1-93/74(CP) dated 19th February, 1985, 26th November, 1985 and No.F.3-/94(PS) dated 24th December, 1998. UGC Regulations No.F.8-1/2000(P3) dated 4.4.2000 and No.F.1-1/2002(PS) Exemp. Dated 31st July, 2002, the UGC hereby makes the following Regulations to amend the UGC (Minimum Qualifications Required For The Appointment And Career Advancement Of Teachers in Universities and Institutions affiliated to it) Regulation, 2000, namely:-

1. Short Title, Application and Commencement:

- (iv) These regulations may be called UGC (Minimum Qualifications Required For The

Appointment And Career Advancement Of Teachers in Universities and Institutions affiliated to it) (Second Amendment) Regulations, 2006.

- v) *They shall apply to every university established or incorporated by or under a Central Act, Provincial Act or a State Act, every Institution including a constituent or an affiliated college recognized by the Commission, in consultation with the university concerned under Clause (f) of Section-2 of the UGC Act, 1956, and every Institution deemed to be a university under Section 3 of the said Act.*
- (vi) *They shall come into force with immediate effect.*

In the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of Teachers in Universities and Institutions affiliated to it) Regulation, 2000, wherever the following para occurs:-

NET shall remain in the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. degree. However, the candidates who have completed M.Phil. degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examination".

Should be substituted with the following para:

Institutions affiliated to it) Regulation, 2000, wherever the following para occurs:

"NET shall remain the compulsory 'requirement for appointment as Lecturer for those with post-graduate degree. However, the candidates having Ph.D. degree in the concerned subject are exampled from NET for PG level and UG level teaching. The

candidates having M.Phil degree in the concerned subject are exempted from NET for UG level teaching only.

*Sd/-
(Prof.Mool Chand Sharma)
Secretary*

*The Assistant Controller
Publication Division
Govt. of India,
Ministry of Urban Development Poverty Alleviation,
Civil Lines,
Delhi-110 054"*

12. However, the UGC Regulations underwent a third amendment in the year 2009. The Regulations were to be effective from the date of their publication in the Gazette of India, which was on 11.07.2009. The paragraph with regard to qualification was further amended to read as follows:-

"Now, the above provision shall be substituted by the following paragraph:

"NET/SLET shall remain the minimum eligibility condition for recruitment and appointment of Lecturer in Universities/Colleges/Institutions.

Provided, however, that candidates, who are or have been awarded Ph.D. Degree in compliance of the "University Grants Commission (minimum standards and procedure for award of Ph.D Degree), Regulations 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of

Assistant Professor or equivalent positions in Universities/Colleges Institutions."

Therefore, it is clear that the exemption granted to M.Phil holders from acquiring NET qualification was taken away by the amendment which was notified on 11.07.2009. The Government of Karnataka by Annexure-FF Order dated 26.12.2009 approved the adoption of UGC revised package to teachers absorbed in the State Pay Scale and working in affiliated Colleges. The operative portion of the order held as under:-

"GOVERNMENT ORDER No.ED 37 UNE 2009 DATED DECEMBER 26, 2009

8. In the circumstances explained above, the Government is pleased to extend to all the Part Time Lecturers absorbed in the State scale and borne on the establishment of Higher Education with Master's degree in the concerned subject with 55% marks (50% for those belonging to SC/ST) and possessing prior to 11.7.2009 the qualifications such as National Eligibility Test/State Level Education Test/Ph.D/M.Phil wherever required the benefit of UGC revised scale; also, such extension of benefit is only from the date of acquiring the said qualification and they are not entitled for back wages but enjoy only the fitment benefit.

9. The extension of revised pay scale shall be only after due verification of the required qualification and

declaration of the period of probation, if any, by the Department of Collegiate Education. After the extension of the benefit of UGC scales as above, further, regulation of service conditions of these teaching staff shall be governed by the Order No.ED 37 UNE 2009 dated 24.12.2009 regarding revision of UGC pay scale issued in this behalf."

13. It was admittedly with effect from 11.07.2009 that the exemption granted to M.Phil holders from acquiring NET qualification, was taken away. The petitioners contended that when Smt. Veena, who was identically situated, had been granted the UGC scales on the basis of M.Phil degree acquired by her, before 11.07.2009. The respondents also sought the same benefit. Annexure-NN, proposal was sent by the department to the Government, which reads as under:-

*"GOVERNMENT OF KARNATAKKA
DEPARTMENT OF COLLEGIATE EDUCATION*

No: PRAKASHIE/UGC.Ve.Shre/175/

*Office of the Regional
Joint Director
Shivamogga,
Dated: 20.07.2016
Ph. 08182-2400856,
Fax: 240093
Gmail.rjdce.smg@gmail.com*

*TO
Principal
Sri Venkateshwara B.Ed., College
Chitradurga*

Dear Sir,

Sub: Regarding extension of UGC pay scale from state pay scale to lecturers, of Shri R S Raju, Shri B Chandrappa, Shri P Prakash and Shri G B Rajappa,

Ref: 1) Government Order No. ED 596 URC 2015, Bengaluru, Dated: 28.03.2016

2) Commissioner Letter No. Kashie/UGC/2015-16.SeVi-1 (B.Ed.,) dated: 25.04.2016

With reference to the subject and citation mentioned above, the Government, vide the letter referred to at (1), has ordered the extension of the UGC pay scale in place of the State pay scale to Shri R. S. Raju and Shri V. Prakash, who are working in your college. As per the instructions of the Commissioner's Office, the matter has been directed to be re-examined, and for extension of the UGC pay scale, you are instructed to fill up Annexure-8 and Annexure-5 and forward the same in four copies.

Your's faithfully

*Sd/-
Regional Joint Director
Collegiate Education
Department
Shivamogga*

*Enclosure: 1. Appendix-8
2. Appendix-5"*

14. However, the Government by communication dated 25.07.2022 rejected the proposal since the respondents did not possess the prescribed minimum qualification of NET/SLET/Ph.D. It was this order which was

under challenge before the learned Single Judge. The learned Single Judge found that the 2006 Regulations specifically provided for exemption to M.Phil holders also from acquiring NET/SLET qualification. It was only on 11.07.2009 that the said exemption was modified to exclude M.Phil holders. Further, it was found that identical benefits had been granted to similarly situated persons and that the Department had also submitted a proposal for the same.

15. The learned Single Judge considered these issues and found that the respondents herein, who admittedly had the M.Phil qualification acquired before 11.07.2009, were entitled to grant of UGC pay scale from the date when they acquired the qualifications required for placement in the UGC Scale.

16. On representations made by the writ petitioners, the Government of Karnataka required the College to forward the documents for the purpose of grant of UGC Pay Scale to the writ petitioners. However, no steps were taken. Thereafter, on the basis of the directions, the Government had passed Anenxure-A, Order dated 30.03.2023, stating

that the petitioners are not entitled to the UGC Pay Scale since they did not have NET/SLET/Ph.D.

17. The learned Single Judge considered the contentions advanced and found that an identically situated teacher had already been given the benefit of the exemption from NET by the Government. It was found that the reasons assigned in Annexure-A was not acceptable. The petitioners were held entitled to similar benefits as had been extended to other lecturers as per Government Order 07.11.2015, Annexure-HH. Though a review petition was attempted stating that the Government has withdrawn the benefit granted to M.S. Veena, by a Government Order dated 08.07.2024, the review was not entertained by the learned Single Judge on the ground that there were no grounds made out to condone the delay in filing the same.

18. We notice that a conjoint reading of the Regulations in force and the binding orders of the State was intended that the employees who were in service are entitled to the UGC Scale of Pay on acquiring the qualification required under the Regulations in force at the

relevant time. This aspect is made doubly clear by a reading of Annexure R2 - Government Order dated 01.02.2011. The said Government Order makes it abundantly clear that the teachers who were appointed before 11.07.2009 with M.Phil degree would also be entitled to grant of UGC pay scale as and when they acquire the qualifications prescribed by the UGC. Therefore, the date on which the Institution was admitted to grant-in-aid would not be the relevant date. In the instant case, when the writ petitioners were appointed in the Institution, they had the relevant qualification as was prescribed at the relevant time, that is, they were exempted from acquiring the NET qualification since they had the M.Phil qualification. The Government Order specifically states that persons, who were appointed with the prescribed qualification, would be entitled to be placed in the UGC Scales of Pay as and when they acquired the qualification prescribed by the UGC.

19. Having considered the contentions advanced, we notice that Annexure-HH was the proceedings of the Government of Karnataka directing the grant of UGC Pay

Scale from the date of Grant-in-Aid or from the date of acquisition of eligible qualifications as per UGC Norms, whichever is later, to teachers including the respondents herein. The pay was to be fixed notionally and the financial benefits were to be granted with effect from the date of the order.

20. In the writ appeal also, the appellants/State have not contraverted the clear contention urged that benefits have been extended to identically situated teachers in earlier instances. Further, the Government Orders produced by the State especially Annexure R-2 dated 01.02.2011 would clearly support the case of the writ petitioners.

21. In the above view of the matter, we are of the opinion that the respondents, had acquired the M.Phil qualification at a time when the said qualification was adequate for providing exemption from the compulsory qualification of NET/SLET. The private respondents would therefore be entitled to grant of UGC pay scale from the date when they acquire the UGC qualifications. There is no error in the findings of the learned Single Judge.

22. Accordingly:-

- (i) Writ Appeal No.1774/2024 fails, the same shall stand ***dismissed***.
- (ii) The appellants/State shall take appropriate steps to see that the benefits due to the respondents are calculated and disbursed within a period of three months from the date of receipt of a copy of the judgment.
- (iii) CCC No.126/2024 is ***closed***.

Pending interlocutory applications shall also stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*