



WA No.100263 of 2022  
C/W WA No.100264 of 2022

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH  
DATED THIS THE 24<sup>TH</sup> DAY OF JUNE, 2022**

**PRESENT**

**THE HON'BLE MR JUSTICE KRISHNA S.DIXIT**

**AND**

**THE HON'BLE MR JUSTICE P.KRISHNA BHAT**

**WRIT APPEAL NO.100263 OF 2022 (S-RES)  
C/W WRIT APPEAL NO.100264 OF 2022 (S-RES)**



**IN W.A. NO.100263/2022**

**BETWEEN:**

THE UNIVERSITY OF AGRICULTURAL SCIENCES,  
U.A.S.DHARWAD,  
REP BY ITS REGISTRAR  
SHRI SHIVANAND KARALE,  
AGED MAJOR, OCC: SERVICE,  
R/O: DHARWAD, DIST: DHARWAD-580003.

... APELLANT

(BY SRI. RAMACHANDRA A.MALI, ADVOCATE)

**AND:**

1. SRI. DR. DIGAMBARAPPA,
2. STATE OF KARNATAKA,  
REP BY ITS PRINCIPAL SECRETARY,  
DEPT. OF AGRICULTURE,  
4<sup>TH</sup> FLOOR, M.S.BUILDING,





**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

BENGALURU-01.

3. DR. R. BASAVARAJAPPA,

... RESPONDENTS

(BY SRI. P.N. HATTI, ADVOCATE FOR C/R1;  
SRI. G.K. HIREGOUDAR, GA FOR R2)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON BLE COURT TO, CALL FOR THE RECORDS IN W.P.NO.100928/2022 (S-RES) ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HON BLE COURT AND SET ASIDE THE FINAL ORDER DTD.3-6-2022 MADE IN THE ABOVE WRIT PETITION PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON BLE COURT AS THE SAME BEING ERRONEOUS AND NOT SUSTAINABLE IN LAW IN THE INTEREST OF THE JUSTICE AND EQUITY.

**IN W.A. NO.100264/2022**

**BETWEEN:**

DR. R. BASAVARAJAPPA,  
AGE MAJOR, OCC: PROFESSOR OF AGRONOMY,  
(UNIVERSITY OF AGRICULTURE SCIENCES),  
R/O: 4<sup>TH</sup> CROSS, SBI COLONY,  
DHARWAD-580005.

...APPELLANT

(BY SRI. JAGADISH PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY ITS SECRETARY,  
DEPARTMENT OF AGRICULTURE,



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

4<sup>TH</sup> FLOOR, M.S. BUILDING,  
BENGALURU-560001.

2. THE REGISTRAR,  
UNIVERSITY OF AGRICULTURAL  
SCIENCES (UAS),  
DHARWAD-580005.
3. SRI. DR. DIGAMBARAPPA

... RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, GOVERNMENT ADVOCATE)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON BLE COURT TO, CALL FOR RECORDS IN W.P. NO. 100928/2022 (S-RES) ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HON BLE COURT AND SET ASIDE THE FINAL ORDER DATED 03/06/2022 MADE IN THE ABOVE WRIT PETITION PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON BLE COURT BY ALLOWING THE W.P. NO. 100928/2022 (S-RES) AS PRAYED FOR THEREIN.

THESE WRIT APPEALS COMING ON FOR PRELIMINARY HEARING THIS DAY, **KRISHNA S.DIXIT, J**, DELIVERED THE FOLLOWING.



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

### **JUDGMENT**

These intra-Court appeals call in question the judgment dated 03.06.2022 rendered in 1<sup>st</sup> respondent's Writ Petition No.100928/2022 (S-RES). The appeal in W.A. No.100263/2022 is by the University and the companion appeal in W.A. No.100264/2022 is by the 3<sup>rd</sup> respondent in the writ petition. The said judgment of the learned Single Judge is to the effect that the writ petitioner should be appointed to the post of Director, he being the senior most, and seniority being the sole criteria.

2. The 1<sup>st</sup> respondent in both these appeals was the writ petitioner and he has entered caveat through his counsel. The 2<sup>nd</sup> respondent-State is represented by the learned Government Advocate. 3<sup>rd</sup> respondent in the Writ Petition is the appellant in W.A. No.100264/2022. He is 3<sup>rd</sup> respondent in the companion appeal and is represented by a private advocate. All the opposing advocates resist the claim of writ petitioner who opposes the writ appeals.



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

3<sup>rd</sup> respondent supports the appeal of University. For convenience of understanding, the parties would be referred to with their ranking in the writ petition

3. FOUNDATIONAL FACTS OF THE CASE:-

a) Petitioner had knocked at the doors of Writ Court for assailing the placement of 3<sup>rd</sup> respondent in the post of Director of Education and his own placement in the post of Dean. The sole factor for such a claim was that he was the senior most in the cadre of Professor. For this petitioner heavily banked upon the Government Order dated 14.11.2019 and Chancellor's instructions dated 28.01.2022. Thus, his essential grievance is that he being the senior most and 3<sup>rd</sup> respondent admittedly being junior to him, petitioner ought to have been given the post of Director and the 3<sup>rd</sup> respondent could have been made the Dean.

b) The University and the 3<sup>rd</sup> respondent had opposed the Writ Petition mainly contending that the appointment in



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

question is purely temporary and for a period of only six months; such appointments are to be made on rotation basis; petitioner was accordingly appointed as a Director earlier and therefore now the 3<sup>rd</sup> respondent is given that position; petitioner cannot have any grievance since he is given the post of Dean, which is equivalent to that of Director.

c) The subject letter dated 14.11.2019 issued by the Under Secretary in the Department of Agriculture, is not a Government Order. The Chancellor's letter dated 28.01.2022 only instructs adherence to the extant norms. Mr. Jagadish Patil, learned advocate appearing for the 3<sup>rd</sup> respondent in the Writ Petition submits that the writ petitioner has not suffered any legal injury to have maintained the writ petition. Learned GA made his submissions on the position of law maintaining equi-distance from the warring private parties.



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

4. Having heard the learned counsel for the parties and having perused the appeal papers, we are inclined to grant indulgence in the matter for the following reasons:

a) Section 24 of the Universities of Agricultural Sciences Act, 2009 enlists Officers of the University which, *inter alia*, comprise of Directors & Deans. Section 30 empowers the Vice-Chancellor to appoint officers specified in clauses (iv) to (ix) of Section 24. It reads as under:

*"30. Terms and Conditions of service of other officers of the University.- The Officers of the University specified in clause (iv) to (ix) of section 24 shall be appointed by the Vice-Chancellor with the approval of the Board on such terms and conditions as may be prescribed:*

*Provided that the Vice-Chancellor may make appointments of such officers as a temporary measure for a period of six months under intimation to the concerned authority of the University."*

b) The substantive part in Section 30 provides for making regular appointment, whereas the proviso provides for making appointment to the said posts as a 'temporary



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

measure', presumably because regular appointment takes long time and that posts in question cannot be kept vacant for long. It is significant to note that this Section speaks of appointment to specific posts; it specifies the Appointing Authority i.e., the Vice-Chancellor; provision to the section, however, specifies six months as the tenure of appointment; it also states that such appointments are by way of temporary measure. It is also significant to note that the Vice-Chancellor is treated as 'Conscience Keeper' of the University concerned, said the Apex Court in ***Marathwada University Vs. Seshrao Balwantrao Chavan***, AIR 1989 SC 1582. In the light of all this, the regularity of the impugned proceedings has to be assumed and therefore, the writ petitioner has to make out a very strong case for interference, this being not a case of regular appointment.

c) The concept of ad hoc appointment is not alien to Service Jurisprudence; it is a common knowledge that civil





WA No.100263 of 2022  
C/W WA No.100264 of 2022

servants are appointed on incharge or independent charge basis, in the posts only as a temporary measure, under Rule 32 of KCSRs. In such cases, ordinarily, the seniority does not much factor. A learned Single Judge of this Court in ***B.N.DHOTRAD VS. THE BOARD OF DIRECTORS/CUM-APPELLATE AUTHORITY AND OTHERS*** ILR 2006 KAR 3163 at para 12 observed as under:

*"12. In-charge arrangements and promotion are well understood in Civil Service. Posting an Officer in the lower post to discharge the duties of the higher post without promotion is only an in-charge arrangement. It is the exigencies of public service that will be the relevant consideration and not the consideration of seniority while making such arrangement. A person was posted on independent charge basis does not hold the post on promotion. Under Rule 32 of KCSR, any employee in the next below post/cadre can be placed in charge or independent charge of a higher post. Similarly, in accordance with Rule 68 of the K.C.S.R. a Government servant can be appointed to be in-charge of the current duties of an office in addition to his own duties. He need not be the senior most.*



WA No.100263 of 2022  
C/W WA No.100264 of 2022

*Generally, such arrangements are made for a short period.”*

d) Ordinarily seniority has a pivotal role, while making promotions on regular & substantive basis. However, when it comes to making *ad hoc* appointments as the ones at hands, ordinarily seniority takes the backseat. This is not to say that the authority in making *ad hoc* placement can choose whomsoever it wants; even there the requirement of fairness & reasonableness cannot be dispensed with. The proviso to Section 30 does not say anything about seniority whilst making appointment as a temporary measure. The appointment process has to be normative since it is done in the exercise of statutory power, is true. There is some discretion that avails to the appointing authority even u/S 30 of the Act also, cannot be disputed. However, any discretion has to be exercised in accordance with the rules of Reason & Justice said Lord Halsbury in **SHARP VS. WAKEFIELD** (1891) AC 173.



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

e) The Board of Management of appellant-University, in its meeting held on 25.01.2019, resolved that such temporary appointments shall be made on rotation basis. This resolution gains credence under Section 13(1)(xiv) of the Act. Following is the text of said Resolution:

**"Item No.44.14:**

***Appointment of various posts of Officers on temporary basis in UAS, Dharwad.***

*While discussing on this item, the Members of the Board request to change the incumbent Officers immediately as has already been resolved by the Board in its 44<sup>th</sup> Meeting held on 29.10.2018. There was also a discussion regarding the possibility of inter-changing the positions held by Officers. Dr. P.S.Pandey, Hon'ble Member, suggested that as it is necessary to follow the provisions of UAS Act and the practice of inter changing the positions is not correct and it is not followed in any university including CAU and hence the rotation has to be made by the fresh incumbent. It was agreed upon by all the members of Board of Management and the Board again authorized the Hon'ble vice-Chancellor and requested to take suitable temporary measure for a period of six months inline with the provisions of UAS Act 2009, as*



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

*early as possible, till the Officers' posts are appointed on regular basis."*

f) After all in matters of *ad hoc* appointments, seniority cannot be the sole/soul *mantra*. The Board comprising of high authorities & experts in its wisdom has prescribed the rule of rotation so that every eligible aspirant for the posts in question shall get some booster that would go a long way in his career. It is also a way to attract & retain talented teachers in the campus. The above Resolution is not in challenge. In fact, the writ petitioner was appointed as the Director during the period between 01.08.2018 & 01.02.2019. Therefore, the Vice-Chancellor had no option than to appoint 3<sup>rd</sup> respondent as the Director. Had he not done this, he would have committed an actionable wrong qua the said respondent. Therefore, petitioner is not justified in staking his claim to the post in question over again. An argument to the contrary would breach the Rule of Rotation promulgated by the August Body of the University. If a contention to the contrary is accepted, the



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

senior most person shall continue in the said post beyond six months only with an artificial break every time which the law & reason shun. This aspect having not been discussed in the impugned judgment, there is an error apparent on its face.

g) The vehement contention of learned counsel appearing for the petitioner that the Government Order dated 14.11.2019 mandatorily prescribes the Rule of Seniority is misconceived. Firstly, it is only an ordinary letter issued by the Under Secretary, Mr. H.N.Lakshmanagowda. The same reads as under:

“ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ/ ಕೃಇ 24 ಕೃವಿವಿ 2019

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,  
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14.11.2019,  
“ಜರೂರು”

ಇವರಿಂದ,

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,  
ಕೃಷಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ,

ಕುಲಪತಿಗಳು,  
ಕೃಷಿ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ, ಬೆಂಗಳೂರು/ಧಾರವಾಡ/ರಾಯಚೂರ



WA No.100263 of 2022  
C/W WA No.100264 of 2022

ಕುಲಪತಿಗಳು,  
ಕೃಷಿ ಮತ್ತು ತೋಟಗಾರಿಕೆ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ, ಶಿವಮೊಗ್ಗ,  
ಕುಲಪತಿಗಳು,  
ತೋಟಗಾರಿಕೆ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ, ಬಾಗಲಕೋಟೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ರಾಜ್ಯ ಕೃಷಿ ವಿಶ್ವವಿದ್ಯಾಲಯ ಹಾಗೂ ತೋಟಗಾರಿಕೆ  
ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಖಾಲಿಯಿರುವ ಅಧಿಕಾರಿ ಹುದ್ದೆಗಳಿಗೆ  
ಹೆಚ್ಚುವರಿ ಪ್ರಭಾರದಲ್ಲಿರಿಸುವ ಕುರಿತು.

\* \* \* \* \*

ಮೇಲ್ಕಂಡ ವಿಷಯದ ಬಗ್ಗೆ ಮಾನ್ಯ ಶಾಸಕರು, ವಿಧಾನ ಪರಿಷತ್  
ಸದಸ್ಯರು ಹಾಗೂ ಇತರರು, ರಾಜ್ಯ ಕೃಷಿ ವಿಶ್ವವಿದ್ಯಾಲಯ ಹಾಗೂ  
ತೋಟಗಾರಿಕೆ ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಖಾಲಿಯಿರುವ ಅಧಿಕಾರಿ ಹುದ್ದೆಗಳಿಗೆ  
ಜೇಷ್ಠತೆಯನ್ನು ನಿರ್ಲಕ್ಷಿಸಿ, ನಿಯಮಬಾಹಿರವಾಗಿ ಪ್ರಭಾರದಲ್ಲಿರಿಸುತ್ತಿರುವ ಬಗ್ಗೆ  
ತಿಳಿಸಿರುತ್ತಾರೆ.

ರಾಜ್ಯ ಮಟ್ಟದ ಸಮನ್ವಯ ಸಮಿತಿಯ ಸಭೆಯಲ್ಲಿ ಕೈಗೊಂಡ  
ನಿರ್ಣಯದಂತೆ ರಾಜ್ಯ ಕೃಷಿ ವಿಶ್ವವಿದ್ಯಾಲಯ ಹಾಗೂ ತೋಟಗಾರಿಕೆ  
ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಖಾಲಿಯಿರುವ ಅಧಿಕಾರಿ ಹುದ್ದೆಗಳಿಗೆ ಹೆಚ್ಚುವರಿ  
ಪ್ರಭಾರದಲ್ಲಿರಿಸಲು ನಿರ್ಣಯಿಸಿದ್ದಲ್ಲಿ, ಸೂಕ್ತ ಅಧಿಕಾರಿಗಳನ್ನು ಜೇಷ್ಠತಾ  
ಅನುಸಾರ ಪ್ರಭಾರದಲ್ಲಿರಿಸುವ ಅಂಶವನ್ನು ಏಕರೂಪ ಪರಿನಿಯಮ ಕರಡಿನಲ್ಲಿ  
ಸೇರಿಸಿ ಪರಿಶೀಲಿಸಲಾಗುತ್ತಿದೆ.

ಆದ್ದರಿಂದ ಪ್ರಸ್ತುತ ರಾಜ್ಯದ ಎಲ್ಲಾ ಕೃಷಿ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಕೃಷಿ ಮತ್ತು  
ತೋಟಗಾರಿಕೆ ವಿಶ್ವವಿದ್ಯಾಲಯ ಹಾಗೂ ತೋಟಗಾರಿಕಾ ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ  
ಖಾಲಿಯಿರುವ ಅಧಿಕಾರಿ ಹುದ್ದೆಗಳಿಗೆ ಹೆಚ್ಚುವರಿ ಪ್ರಭಾರದಲ್ಲಿರಿಸಲು  
ನಿರ್ಣಯಿಸಿದ್ದಲ್ಲಿ ಜೇಷ್ಠತಾ ಅನುಸಾರವೇ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳನ್ನು ಮಾತ್ರ  
ಹೆಚ್ಚುವರಿ ಪ್ರಭಾರದಲ್ಲಿರಿಸತಕ್ಕದ್ದು ಹಾಗೂ ಒಬ್ಬ ಅಧಿಕಾರಿಗೆ ಒಂದು ಹುದ್ದೆಗಿಂತ  
ಹೆಚ್ಚಿನ ಹುದ್ದೆಗಳಿಗೆ ಹೆಚ್ಚುವರಿ ಪ್ರಭಾರದಲ್ಲಿ ಇರಿಸತಕ್ಕದ್ದಲ್ಲ ಎಂದು ತಮಗೆ  
ತಿಳಿಸಲು ನಿರ್ದೇಶಿಸತನಾಗಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ

(ಹೆಚ್.ಎನ್.ಲಕ್ಷ್ಮಣಗೌಡ)

ಸರ್ಕಾರದ ಆದೀನ ಕಾರ್ಯದರ್ಶಿ,  
ಕೃಷಿ ಇಲಾಖೆ (ಸೇವೆಗಳು ಮತ್ತು ಸಮನ್ವಯ)”



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

The letter lacks the trappings of a Government Order. This apart, what authority the Under Secretary had, to prescribe seniority as the norm for appointments of the kind is not demonstrated. Learned counsel could not secure any support from the reading of Section 8 & 10 of the Act to substantiate his contention that the Government has power to issue such instructions. Section 8 gives some power, arguably true; however prescribed conditions & circumstances for such interference are apparently lacking. Section 10 gives power to the Chancellor to do certain things at the instance of Government; but the Government on it's own can not issue any direction to the University.

h) Universities are not the notional extensions of the government departments, nor their vassals. They are autonomous bodies and therefore their autonomy should be respected. The Secretaries of the Government Departments cannot interfere in the affairs of Universities in the absence of statutory power and the justification for



WA No.100263 of 2022  
C/W WA No.100264 of 2022

its exercise, both of which are absent in the case at hands. A learned single Judge of this Court in **DR. PARAPPA SHANKARAPPA VS. THE SECRETARY TO GOVERNMENT,** ILR 1999 KAR 282 had pungently observed, at paragraph 10 as under:

*"10. So far as the second question regarding powers of the State Government to give directions to the Universities are concerned, despite turning of each page of the Universities Act both by the learned Advocate-General as also the Counsel appearing for the petitioners and the University, no provision could be located under which the State Government can give a direction to the University with regard to the discharge of its functions or pertaining to the matters which are to be essentially governed by the statutes which are framed under Section 35 read with Section 36 of the Act. In that view of the matter it is expected rather directed that the State Government should henceforth forbear from giving any direction to any University established under the Universities Act which are required to be governed by the specific statutory provisions or the delegated legislations like the statutes. Any violation in this regard on the part of the Government will be dealt with as committing*





**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

*contempt of this Court. I find making of such observation is necessary because in various cases I have found that the Government, of late, have been prevailing on the Universities which are creatures of the Act by treating those as departments of the Government. This impression needs to be dispelled."*

The above observations were made in September 1998 i.e., a little less than a quarter century ago. However, the governmental authorities being as callous as can be, continue to poke their nose in the affairs of the Universities. This, we say with no joy in heart. What further irks us is that the above letter has been issued by an Under Secretary of the Department, in gross disregard of the resolution dated 25.01.2019 passed by the Board of Management.

i) The vehement contention of learned counsel for the writ petitioner that the matter having been brought to the notice of the Chancellor, His Excellency has caused a letter dated 28.01.2022 directing the University to follow the Rule of Seniority as a norm for making *ad hoc* appointment



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

to the posts in question, again is bit difficult to agree with.  
That is not its purport. The said letter is reproduced below:

**KARNATAKA GOVERNOR'S SECRETARIAT**

**RAJ BHAVAN,  
BENGALURU**

**No. GS 02 AUD 2022      DATE: 28-01-2022**

**FROM**  
**The Special Secretary to Governor,**  
**Raj Bhavan, Bengaluru.**

**TO**  
**The Vice Chancellor,**  
**University of Agricultural Sciences,**  
**Krishinagar, Dharwad.**

**Sir,**

**Sub: Forwarding of D O Letter of**  
**Sri Basavaraj S. Horatti,**  
**Hon'ble Chairman K L C -reg.**

**Ref: D.O. letter No. KLC: CHMN: 1484**  
**: 2022, dated 13-01-2022 from**  
**Sri Basavaraj S. Horatti, Hon'ble**  
**Chairman, Karnataka Legislative**  
**Council.**

**\* \* \* \* \***

*With reference to the above subject, I am directed to forward herewith a copy of D.O. letter cited at reference which is self explanatory.*

*Further you are directed to ensure strict compliance to the laid down Rules/Statues/Regulations etc., in regard to placing of Professors Higher Academic Grades and Senior*



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

*professors as in-charge of Director/Dean/Registrar posts.*

*Yours faithfully,*

*(Prathibha D. Habbu)  
Under Secretary to  
Governor(U)"*

A perusal of the letter shows that a direction is issued by the Chancellor to the University that in making appointment to posts of the kind, the norms laid down in Rules, Statutes & Regulations should be strictly followed. It has not said anything about seniority. On the other hand the Board of Management has consciously prescribed the norm of rotation, as the mode of appointment. The very idea of 'appointment by rotation' excludes the notion of seniority. The Vice-Chancellor in issuing the impugned appointment orders has followed the extant norms. Even this aspect of the matter has escaped due attention of the learned Single Judge. Thus, there is an added error apparent on the face of the impugned judgment.



**WA No.100263 of 2022**  
**C/W WA No.100264 of 2022**

j) Learned counsel for the Writ petitioner seeks to justify the impugned Judgment contending that the University orders that are quashed by the learned Single Judge suffered from the infirmity of discrimination inasmuch as only his client was singled out for a step motherly treatment, all others having been left untouched even when he had a very short stint of service. We fail to understand as to how others being not displaced would come to the rescue of petitioner in matters like this, which involve a host of factors that fall outside judicial evaluation. It is not that the petitioner has been left high & dry. Admittedly, he too has been given the post of Dean. The contention that the post of Dean is comparatively a bit lower compared to that of Director, does not merit deeper examination, at our hands given the fact that both the posts carry same pay scale & emoluments. Even the learned Single Judge treats the posts enlisted in Clauses (iv) to (ix) of Section 24 as constituting one common cadre. Clauses 1 & 4 of Section 31 Read with Clauses (iv)



**WA No.100263 of 2022  
C/W WA No.100264 of 2022**

to (ix) of Section 24 of the Act lend some credence to this view. If the University states that posts are equal, the one who questions it has to make out a strong case to substantiate the contra. That being the position, no prejudice is shown to have been caused to the Writ petitioner by virtue of impugned orders of the University.

In the above circumstances, these appeals succeed. The impugned Judgment of the learned Single Judge is set at naught and as a consequence the University orders of appointment that were quashed by the said Judgment are hereby resurrected.

Costs made easy.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

KMS