

Reserved on : 19.01.2026
Pronounced on : 11.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 28209 OF 2023 (S-KSAT)

BETWEEN:

1. SHASHIKALA P.,
W/O K. V. LOKESH,
AGED ABOUT 50 YEARS
WORKING AS OFFICE SUPERINTENDENT,
OFFICE OF COMMISSIONER,
SOCIAL WELFARE DEPARTMENT,
M. S. BUILDING,
BANGALORE - 560 001.

...PETITIONER

(BY SRI VIRUPAKSHIAH P. H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS UNDER SECRETARY,
SOCIAL WELFARE DEPARTMENT,
5TH FLOOR, DR. AMBEDKAR VEEDHI,
M. S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER,
SOCIAL WELFARE DEPARTMENT,
5TH FLOOR, AMBEDKAR VEEDHI,



M. S. BUILDING,
BENGALURU - 560 001.

3. P. MALLESH,
S/O MALLAIAH,
AGED ABOUT 48 YEARS,
WORKING AS OFFICE SUPERINTENDENT,
OFFICE OF COMMISSIONER,
SOCIAL WELFARE DEPARTMENT,
M. S. BUILDING,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING ORDER/ENDORSEMENT BEARING No.SAKANI/SIBBANDI-3/CR/2016-17 DATED 25/02/2021 VIDE ANNEXURE-A14 PASSED BY THE 2ND RESPONDENT AUTHORITY ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND, J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K.V. ARAVIND)

Heard Sri P.H. Virupakshaiah, learned counsel for the petitioner and Sri Vikas Rojipura, learned Additional Government Advocate for respondent Nos.1 and 2.

2. The unsuccessful applicant in Application No. 3307/2022, has filed the present writ petition assailing the order dated 14.07.2023 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, "the Tribunal").

3. The brief facts of the case are that the petitioner was appointed as a Typist on 11.07.1997 and was subsequently promoted to the cadre of Stenographer on 26.11.2007. Respondent No. 3 was appointed as a Typist on 31.01.2000 and was promoted to the cadre of Stenographer on 19.12.2008. Subsequently, Respondent No. 3 was promoted to the cadre of Office Superintendent on 17.10.2014.

3.1 The petitioner sought promotion to the cadre of Office Superintendent with effect from 17.10.2014, i.e., the date on which Respondent No. 3 was promoted to the said post. It was contended that the promotion of Respondent No. 3 was contrary to the Gradation List dated 18.01.2021. The petitioner further asserted that promoting Respondent No. 3 to the cadre of Office Superintendent without considering the petitioner, who was senior, was improper.

3.2 An endorsement dated 25.02.2021 was issued, setting out the reasons for promoting Respondent No. 3 prior to the petitioner and rejecting the petitioner's claim for retrospective promotion from the date on which Respondent No. 3 was promoted. Aggrieved by the said endorsement, the petitioner preferred an application before the Tribunal.

3.3 The Tribunal, upon consideration, held that Respondent No. 3 had acquired eligibility for promotion in the year 2014, whereas the petitioner acquired such eligibility only in the year 2017. It was observed that, as on the date when Respondent No. 3 was promoted as Office Superintendent in the year 2014, the petitioner was not eligible for promotion to the said cadre. On these grounds, the Tribunal rejected the application.

4. Sri P.H. Virupakshaiah, learned counsel appearing for the petitioner, submits that, as per the seniority list, the petitioner is senior to Respondent No. 3. It is contended that the promotion of Respondent No. 3 without considering the petitioner amounts to a violation of the seniority list. It is further submitted that deputation of the petitioner to undergo one year's training as First Division Assistant (FDA), which is a pre-condition for promotion to the cadre of Office

Superintendent, was not within the petitioner's control. According to the learned counsel, the petitioner was never deputed to undergo the requisite training as FDA, and therefore, she cannot be faulted for non-fulfilment of the said requirement.

4.1 It is contended that the denial of promotion in such circumstances has resulted in grave injustice to the petitioner. Learned counsel further submits that these material aspects have not been duly considered by the Tribunal while rejecting the application.

5. Sri Vikas Rojipura, learned Additional Government Advocate appearing for Respondent Nos. 1 and 2, submits that though the petitioner was senior to Respondent No. 3 at the time of entry into service as a Typist, promotion to the cadre of Stenographer was granted strictly in accordance with the applicable seniority.

5.1 It is further submitted that the next promotional post is that of Office Superintendent and that promotion to the said cadre is subject to completion of one year's training as FDA. Learned counsel contends that Respondent No. 3 acquired the

requisite eligibility for promotion in the year 2014, whereas the petitioner acquired such eligibility only in the year 2017.

5.2 In that view of the matter, it is submitted that the petitioner cannot contend that a junior has been wrongly promoted or claim promotion from the date on which Respondent No. 3 was promoted. It is further submitted that upon the petitioner acquiring eligibility in the year 2017, a Departmental Promotion Committee (DPC) was convened in the same year and the petitioner was immediately promoted as Office Superintendent.

5.3 With these submissions, the learned Additional Government Advocate contends that the writ petition is devoid of merit and accordingly prays for its dismissal.

6. We have considered the submissions made by learned counsel for the parties and perused the writ papers.

7. The petitioner was appointed as a Typist on 11.07.1997 and was promoted as a Stenographer on 26.11.2007. There is no dispute that promotion to the cadre of Stenographer was effected in accordance with seniority. The controversy arises with regard to promotion to the cadre of Office Superintendent.

7.1 It is admitted in the pleadings by the petitioner that, as per the Cadre and Recruitment (C & R) Rules, completion of one year's training as FDA is a compulsory qualification for promotion to the cadre of Office Superintendent. The requirement of possessing the said qualification, in addition to seniority, is not in dispute.

7.2 The contention of the petitioner is that Respondent No. 3, being junior, was promoted overlooking her seniority. The said contention cannot be accepted. When completion of one year's training as FDA is a mandatory qualification for promotion to the higher cadre of Office Superintendent, eligibility for consideration depends not merely on seniority, but also on possession of the requisite qualification.

7.3 Respondent No. 3 acquired the necessary qualification in the year 2014 and was accordingly promoted to the cadre of Office Superintendent. The petitioner completed one year's training as FDA only on 27.03.2017. Upon acquiring the requisite qualification, the petitioner was promoted to the cadre of Office Superintendent under Rule 32 of the Karnataka Civil Services Rules, 1957 (KCSR).

7.4 Subsequently, a DPC was convened in the year 2019, and the petitioner's promotion to the cadre of Office Superintendent was regularised by converting the earlier promotion under Rule 32 into a promotion under Rule 42 of the KCSR.

7.5 When the petitioner acquired the requisite qualification for promotion only in the year 2017, whereas Respondent No. 3 had acquired such qualification in the year 2014 and was promoted upon such acquisition, the petitioner cannot legitimately contend that a junior was promoted overlooking his seniority. As on the date on which Respondent No. 3 was promoted, the petitioner did not possess the prescribed qualification and was, therefore, not eligible for consideration. In such circumstances, no grievance can be sustained on the ground that a junior was promoted.

7.6 In that view of the matter, the contention urged by the petitioner is untenable. The Tribunal, having duly considered these aspects, has rightly rejected the application. The endorsement issued by the authorities, assigning reasons on the aforesaid lines, is also justifiable and does not warrant interference.

8. We find no infirmity in the order passed by the Tribunal warranting interference. Accordingly, the writ petition stands ***rejected.***

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV