



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03rd DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT APPEAL NO. 98 OF 2024 (S-RES)

C/W

WRIT APPEAL NO. 89 OF 2024 (S-RES)

IN WA.No.98/2024:

BETWEEN:

MALNAD COLLEGE OF ENGINEERING
REP BY ITS AUTHORISED SIGNATORY
P B NO 21, SALAGAME ROAD
HASSAN - 573202

...APPELLANT

(BY SRI. P.N. MANMOHAN., ADVOCATE)

AND:

1. DR M K RAVISHANKAR
S/O LATE DR M KAMALAKAR
AGED ABOUT 51 YEARS
HASIRU, 1ST FLOOR
BEHIND JJ DEAF SCHOOL
GOWRIKOPPALLU HASSAN - 573202
2. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HIGHER EDUCATION
M S BUILDING, DR AMBEDKAR ROAD
BENGALURU - 560018
3. VISVESHWARAIAH TECHNOLOGICAL UNIVERSITY



REPRESENTED BY ITS REGISTRAR
JNANA SANGAMA
VTU MAIN ROAD MACHHE,
BELGAUM - 590018

4. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
NELSAN MANDELA MARG,
VASANTH KUNJ NEW DELHI 110070
REPRESENTED BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. K.N.PHANEENDRA, SENIOR COUNSEL ALONG WITH
SMT. VAISHALI HEGDE, FOR C/R1;
SRI. MOHAMMAD JAFFAR SHAH, AGA FOR R2;
SRI. SANTHOSH.S.NAGARALE FOR R3;
SRI. H.R.SHOWRI FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED
14.12.2023 PASSED IN WP No.20487/2023 PASSED BY THE
LEARNED SINGLE JUDGE AND CONSEQUENTLY DISMISS THE
WP No.20487/2023 AND PASS SUCH OTHER AND FURTHER
ORDERS AS DEEMED FIT IN THE FACTS AND CIRCUMSTANCES
OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA.No.89/2024:

BETWEEN:

1. MALNAD COLLEGE OF ENGINEERING
REP BY ITS AUTHORISED SIGNATORY,
P B NO. 21, SALAGAME ROAD,
HASSAN - 573202.

...APPELLANT

(BY SRI. P.N. MANMOHAN., ADVOCATE)

AND:

1. DR K P RAVIKUMAR
S/O LATE PUPPANNA,
AGED ABOUT 53 YEARS,
R/A 3RD MAIN, 12TH CROSS,
SHANTHI NAGAR, HASSAN - 573202.

PROFESSOR,
DEPARTMENT OF AUTOMOBILE ENGINEERING,
MALNAD COLLEGE OF ENGINEERING
HASSAN - 573202.

2. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M S BUILDING, DR AMBEDKAR ROAD,
BENGALURU - 560018.
3. VISVESHWARAIAH TECHNOLOGICAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
JNANA SANGAMA,
VTU MAIN ROAD, MACHHE,
BELGAUM - 590018.
4. ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION
NELSAN MANDELA MARG,
VASANTH KUNJ, NEW DELHI - 110070.
REPRESENTED BY ITS CHAIRMAN.

...RESPONDENTS

(BY SRI. K.N.PHANEENDRA, SENIOR COUNSEL ALONG WITH
SMT. VAISHALI HEGDE, FOR C/R1;
SRI. MOHAMMED JAFFER SHAH, AGA FOR R2;
SRI. SANTHOSH.S.NAGARALE FOR R3;
SRI. H.R.SHOWRI FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL AND SET
ASIDE THE ORDER DATED 14.12.2023 PASSED IN WRIT
PETITION No. 20488/2023, PASSED BY THE LEARNED SINGLE
JUDGE AND CONSEQUENTLY DISMISS THE WRIT PETITION No.
20488/2023 AND PASS SUCH OTHER AND FURTHER ORDERS
AS DEEMED FIT IN THE FACTS AND CIRCUMSTANCES OF THE
CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 21.02.2026, COMING ON FOR

PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE D K SINGH,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeals have been filed by the Malnad College of Engineering (Respondent No.4 before the writ Court), being aggrieved by the judgment and order dated 14.12.2023 passed by the learned Single Judge in Writ Petition No.20487/2023 (S-RES) connected with the Writ Petition No.20488/2023 (S-RES).

2. The parties are referred to as per their ranking before the writ Court, for the sake of convenience.

3. The learned Single Judge vide impugned judgment and order has held that the petitioners would have the right to continue in their services until they attain the age of superannuation in the College as the order of termination of their services was *non est*. The Management has been directed to continue the services of

the petitioners till they attain the age of superannuation and pay them salary and allowances in accordance with the UGC regulations.

4. The respondent No.4/College is a Government aided College and it receives grant-in-aid. However, the Department of Automobile Engineering was a self-financing Department as it did not receive any grant-in-aid from the Government.

5. The petitioner Dr.M.K. Ravishankar in W.P. No.20487/2023 was appointed as a Lecturer on 11.04.1997. He completed his Ph.D. programme from the I.I.T. Madras after taking study leave and he reported back to the College on 01.08.2007. He was thereafter, appointed as an Assistant Professor. On completion of 3 years of service as Assistant Professor, he was designated as an Associate Professor and he was promoted as Professor vide order dated 14.05.2015.

6. Dr.K.P. Ravikumar, the petitioner in Writ Petition No.20488/2023 was appointed as a Lecturer on 29.08.2005. He was promoted as Senior Lecturer on 01.09.2010, which was re-designated as Associate Professor on 01.01.2012 and he was also promoted as a Professor under the Career Advancement Scheme on 14.05.2015.

7. Due to a continuous decline in admissions in unaided Automobile Engineering Department of the College, the Board of Governors of respondent No.4/College vide Resolution dated 27.03.2021 decided to close the Automobile Engineering course progressively after obtaining necessary regulatory approvals from the competent authorities. Finally, the Department came to be closed, the employees working in the Department including the teaching faculty either got adjusted against the vacancies in other Departments or where adjustment/accommodation could not be possible, they were relieved as the posts in the Automobile Engineering

Department got abolished because of closure of the Automobile Engineering Course.

8. The decision to close the Automobile Engineering Course was communicated to Visveshwaraiah Technological University (for brevity '**the VTU**') and VTU in turn had given its No Objection Certificate for closure of the course. The respondent No.4/College had also obtained approval of respondent No.3/All India Council for Technical Education (for brevity '**the AICTE**') for closure of the course. Besides Automobile Engineering course, respondent No.4/College had also obtained approval for closure of another non-aided course i.e., Industrial and Production Engineering from the Academic Session 2021-2022.

9. In view of the abolition of the course and closure of the Department, the Management of the respondent No.4/College issued relieving letters dated 11.09.2023 to the petitioners, which they refused to accept. However, the letters were sent through email and RPAD. After

receiving the communication of relieving the petitioners from their Posts of Professors in the College, the petitioners had approached the writ Court by filing the aforesaid two writ petitions. The learned Single Judge framed the following issue for determination, i.e.:

"Whether the persons employed by a Technical Institution can be terminated on the ground that the VTU and AICTE had approved the closure of the course in which they were rendering their services".

10. The learned Single Judge has held that the All India Council for Technical Education [Pay Scales, Service Conditions and Qualifications for the Teachers and Other Academic Staff in Technical Institutions (Degree)] Regulations, 2010, (for brevity '**the 2010 Regulations**') are applicable to all Technical Institutions and Universities, including deemed Universities, imparting Technical Education. These Regulations also provide the age of superannuation i.e., 65 years. Regulations also provide for payment of pension, family pension, provident fund.

11. On 01.03.2019, the AICTE framed a fresh set of Regulations called 'the AICTE Regulations on Pay Scales, Service Conditions and Minimum Qualifications for the Appointment of Teachers and Other Academic Staff such as Library, Physical Education and Training and Placement Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education - (Degree) Regulations, 2019' (for brevity '**the 2019 Regulations**').

12. As per the 2019 Regulations, the age of superannuation of all faculty members including Principals/Directors of the Institutions, has been prescribed to be 65 years and an extension of 5 years could be given to those members, who were physically fit and those who had written Books in the Technical Field, published papers and had an average of 360 feedback of more than 8 out of 10, which indicated that they were active during the last preceding 3 years of service.

13. The learned Single Judge has been of the view that the respondent No.4/College would not be entitled to terminate the services of a Member of Teaching faculty in view of the closure of a particular course. Once a college imparting technical knowledge decides to start a course of study after obtaining necessary approvals of the AICTE, it is required to maintain the prescribed faculty and the student teacher ratio. If the College is unable to attract the requisite number of students, it is empowered to seek the approval of the Council to close such course. However, in the case of closure, the students who were admitted to the course should not get affected. Measures have to be taken by the College to accommodate the already admitted students to other colleges and this would indicate that the priority, as far as the Council is concerned is the well-being of the students, who were admitted to such course of study.

14. The learned Single Judge had drawn an inference that the Council has not made any provision in relation to

the Faculty of the course for which the approval has been granted to close the course, it would mean that the Management of the College would have to continue the services of the faculty attached to such course and bear the expenditure in that regard.

15. It is further held that the College cannot retrench the faculty once an unaided course had become financially unviable. And if the argument is accepted, then every college would have the right to pay a lesser salary than what is prescribed by the AICTE on the ground that the running of the course or the running of the Institution was not financially viable. Therefore, financial viability cannot be a ground to terminate the services of the faculty, when the Management of the College has decided to close the course on the ground of financial un-viability.

16. The Regulations are silent about the fate of the Faculty, which are applicable to all Technical Colleges and Institutions, the presumptions should be in favour of the petitioners that they are entitled to continue in the

employment till they attain the age of superannuation i.e., 65 years of age.

17. It is further held that unless the teaching faculty and the Management mutually agree to part with, the Institution would have the obligation to continue them and pay them their salary by utilizing their services.

18. The learned Single Judge also placed reliance on the proceedings of the Committee Meeting held on 10.05.2021 that in the Mechanical Engineering Department, in Post Graduation Course, admissions were less than 10 in the last 3 years and the required number of faculty was 38, but the faculty available at the present was only 30, therefore 8 additional faculty members were required.

19. The College itself had informed the VTU that it had constituted a Committee, which would examine the possibilities of recommending the teaching staff on a case to case basis and make the recommendations to the Board of Governors. The learned Single Judge held that the

proceedings of the Committee dated 19.11.2022 would suggest that though the Board of Management had decided to accommodate the members of the Mechanical Engineering in various other undergraduate and post graduate programs, the committee nevertheless appears to be of the view, that it was not possible to accommodate the existing faculty of Automobile Engineering in the aided Mechanical Department. The Committee also stated that the College had decided to reduce the intake of the Mechanical Engineering Department from 180 to 120 and there were no vacancies in the Mechanical Department against which the petitioners could be accommodated. The learned Single Judge was not impressed by the report of the Three Men Committee dated 17.08.2023 in the light of the proceedings of the Committee meeting held on 10.05.2021, and thus allowed the writ petitions.

20. Sri P. N. Manmohan learned counsel for the appellant/respondent No.4/College has submitted that the petitioners were appointed in unaided Department i.e.,

Automobile Engineering. The Department itself got closed/abolished because there were not enough intake in the said Department of the College and it became financially unviable as it was a self-financing course. The posts against which the petitioners were appointed also got abolished. After abolition of the posts, the petitioners would not have any right in law or either under the contract of employment to continue in service till they would attain the age of superannuation. The decision to close the Department of Automobile Engineering was taken with due approval from the VTU and the AICTE. Neither VTU in its No Objection Certificate (NOC) nor AICTE have put a condition that the petitioners would continue in service even after the Department of Automobile Engineering gets closed.

21. It is further submitted that AICTE Regulations of 2010 and 2019 provides the maximum age in service, but that does not mean that once appointed, their services cannot be terminated particularly, when the post against

which they were appointed would no longer be in existence. It is further submitted that the Department of Mechanical Engineering is an aided Department and to fill up posts in an aided Department, the permission of the Government would be required and once the permission is granted, the application would be called for direct recruitment and then after selection with the approval of the Government, the posts can be filled. There is no question of automatic adjustment of the petitioners in any aided Department. The Committee in its report dated 10.05.2021 did not consider the issue that the Mechanical Department is an aided course.

22. The Mechanical Engineering Department as on date has intake of 120 students. There are 22 posts for teaching staff, out of which 13 posts are filled up and 9 are vacant. Currently 95% of the admission of the students in the aided quota of 120 students intake is from CET and the Management quota is only 5%. In the meanwhile, in 2018 an intake of 61 was increased in

Mechanical Engineering and the intake became 180 students. To cope with the additional workload and on account of the abolition of Industrial Production Engineering course, some of the faculty members were transferred from Industrial Production and Engineering to Mechanical Engineering on temporary basis. Currently the College has 34 faculty members in Mechanical Engineering, out of which 13 are on aided basis and 21 are temporary basis.

23. The submission is that the petitioners cannot be adjusted/accommodated in Departments which are aided. There is no unaided Department where the petitioners can be accommodated. Petitioners could be accommodated only in Mechanical Engineering Department. But that being aided, the posts are to be filled up after due approval from the Government and through proper selection process.

24. It is further submitted that the appellant College is a Private Educational Institution, therefore, the writ petition

itself was not maintainable inasmuch as the Department of Automobile Engineering was not under the control of the Government as no grant-in-aid was given to the said Department. The decision to abolish the Department of Automobile Engineering was well considered decision and the same was given effect to after taking the approval from the VTU and the AICTE. Once the decision to close the Department of Automobile Engineering is not in question, the Department itself got abolished and the posts against which the petitioners were working there also got abolished. The learned Single Judge therefore, should not have directed for their continuation till they attain the age of superannuation. The right to continue in employment exists till the post is available, against which a person is employed. Once the post itself is abolished, there cannot be any right to claim for continuation till the person attains the age of superannuation. The Board's resolution dated 27.03.2021 was uploaded immediately on the website of the Institution, however, relieving order was issued after 2.5 years when it became impossible for

the Institution to get them adjusted. It is further submitted that the Institution cannot be expected to give salary to the petitioners for a post which is not in existence and the petitioners' services are not utilized by the Institution. He therefore, submits that the impugned judgment and order is unsustainable and the same may be set aside.

25. On the other hand, Smt. Vaishali Hegde, learned counsel appearing for respondent No.1/Caveator in both the appeals has submitted that the respondent No.4/College is a Private Aided Engineering College established in 1960, a joint venture between the Government of India, Government of Karnataka and Malnad Technical Education Society, Hassan. The College is an autonomous Institution with grant from the UGC and is governed by the Grant-in-Aid Rules of the Government of Karnataka. The said College is also recognized by the All India Council for Technical Education and accredited by the National Board of Accreditation and National

Accreditation and Assessment Council. The Institution has received grants through the Technical Education Quality Improvement Programme of Government of India under World Bank Assistance in three phases i.e., 2004-2005, 2011-2016 and 2017-2021.

26. It is submitted that petitioners would have the legitimate expectation of being continued in service till the age of superannuation, having been appointed with the specific mention of the applicability of AICTE Regulations as the Institution is an aided Institution receiving grants from both Central and State Governments under various heads. The VTU had granted NOC for closure of the Department on the assurance that it would act on the recommendation of the Committee, which provided that the faculty Member of the Automobile Engineering course would be accommodated in the College. The College is now estopped to take contrary stand to the recommendations dated 10.05.2021 of the Committee. The respondent No.4/College had assured the VTU that the Committee would place its recommendation to the Board

of Governors and therefore, the respondent/College had misled the VTU into believing that the teaching staff would not be terminated. The VTU has transferred the said documents to the AICTE for approval. The Committee headed by Dr.N.C.Shivaprakash had categorically given the recommendation dated 10.05.2021 that the petitioners should be transferred to the Mechanical Department. Therefore, the approval of both the University and AICTE was based on the recommendation dated 10.05.2021. Immediately after securing the NOC, the appellant Institution had given a complete go by to the Committee's recommendation dated 10.05.2021.

27. The letter dated 25.03.2022 issued by the respondent No.4/College would indicate that the faculty of the Civil, Electrical and Electronics Engineering would not be disturbed and they would be retained in service.

28. It is further submitted that the respondent Institution has a positive obligation under the AICTE regulations to continue the petitioners in service till they attain the age

of superannuation. It is further submitted that various Assistant Professors (non grant-in-aid) were promoted as Associate Professor in the academic year 2024-25 in the Department of Mechanical Engineering and vide order dated 08.02.2025, the respondent No.4/College has transferred three faculty members of Department of Computer Science and Business System to the Department of Mechanical Engineering. It is therefore, submitted that the ground taken by the respondent No.4/College that the petitioners cannot be accommodated in Mechanical Engineering Department and that Department is aided Department and for making appointment, the Government approval is necessary and by selection process only one can be appointed, does not appear to be correct. She therefore, submitted that the learned Single Judge, having considered all the facts and circumstances of the case, has rightly allowed the writ petitions, which is not required to be interfered with.

29. We have considered the submissions advanced by the learned counsels and counsel for the AICTE and VTU, besides the learned AGA.

30. The primary question which involves for consideration in these appeals is that :

"Whether the petitioners have the right in law to continue in the College up to the date of superannuation i.e., 65 years as provided under the AICTE 2019 Regulations, particularly, Regulation 2.12?"

31. The petitioners were working in the Automobile Engineering Department as Professors. Before the relieving letters dated 11.09.2023 were issued to them, the Department of Automobile Engineering was a self-financing Department. Petitioners have not disputed that there was consistent decline in admissions in Automobile Engineering course in the College. It is also not disputed that the said course became unviable financially for the College and therefore, the Board of Management of the College had taken a decision to close the Automobile

Engineering course and the Department. The VTU has given no objection for closing the Department of Automobile Engineering and the approval was accorded by the AICTE for its closure. The decisions taken by the Board of Governors of the College, No objection and approval granted by the VTU and AICTE respectively have not been questioned by the petitioners in the writ petitions.

32. The petitioners' service conditions are governed as per the AICTE Regulations 2010 and 2019. However, it provides the age of superannuation as 65 years.

33. The primary question which is required to be answered is that whether the petitioners would be entitled to continue till they attain the age of superannuation, i.e., up to 65 years though the Department of Automobile Engineering itself was closed and resultantly the posts against which the petitioners were appointed and continuing also got abolished. It is also not in dispute that the Department of Mechanical Engineering is a

Government aided Department and the appointments in the said Department are to be made as per the appointment procedure prescribed under the relevant Regulations.

34. We are of the considered view, that the petitioners will not have a legal or contractual right to continue in the employment, once the posts of Professor on which they were working in the Automobile Engineering got abolished on closure of the Department. The petitioners would have the right to continue till the age of superannuation, had the Department of Automobile Engineering was not closed down. Once the Department of Automobile Engineering was closed down and the posts got abolished, the petitioners would not have the right to continue in the employment of the College till the age of superannuation i.e., 65 years.

35. The learned Single Judge has missed this vital aspect while allowing the writ petitions. Mere provision for the age of superannuation as 65 years under the AICTE

Regulations would not entitle the petitioners to continue in the College till the age of 65 years, even if the Department of Automobile Engineering was validly closed, and the posts got abolished after all due permissions from the relevant authorities i.e., VTU and the AICTE. As the petitioners have no right in law to remain in the College after the Department of Automobile Engineering was closed, and the posts against which they were working got abolished, we are of the firm view, that the impugned judgment and order dated 14.12.2023 passed by the learned Single Judge is unsustainable, and thus, we set aside the same and allow the appeals.

36. However, in equity we are of the view, that the petitioners have worked in the appellant/College for substantial years i.e., from 1997 onwards till the date of closure, therefore, they must be paid some financial assistance for losing their jobs, before the date of superannuation/retirement due to the closure of the Department of Automobile Engineering in which they had no role to play.

37. We therefore, direct the appellant/respondent No.4/ College to pay each of the petitioners a sum of Rs.40,00,000/- (Rupee Forty Lakhs Only) within a period four weeks from today besides statutory dues, if any payable to them.

38. With the aforesaid directions, the present appeals stand ***allowed.***

39. In view of the appeals having been allowed, interim applications, if any do not survive for consideration, hence disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE