



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 8TH DAY OF OCTOBER, 2025

R

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 106663 OF 2025 (S-RES)

BETWEEN:

SRI.SHIVAPUTRA M HONNALLI
S/O MAHADEVAPPA HONNALLI
AGED ABOUT 58 YEARS
IN-CHARGE COMPTROLLER
UNIVERSITY OF AGRICULTURAL SCIENCES
DHARWAD 580 005
KARNATAKA, INDIA

... PETITIONER

(BY SRI.PRASHANT S KADADEVAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF FINANCE
(ADMINISTRATION AND ADVANCE)
VIDHANA SOUDHA, AMBEDKAR BHEEDHI
SAMPANGI RAMA NAGARA
BENGALURU, KARNATAKA 560 001
REPRESENTED BY ITS
UNDER-SECRETARY
2. THE VICE CHANCELLOR
UNIVERSITY OF AGRICULTURAL SCIENCES, DHARWAD
DHARWAD 580 005
KARNATAKA, INDIA
3. THE REGISTRAR
UNIVERSITY OF AGRICULTURAL SCIENCES, DHARWAD
DHARWAD 580 005
KARNATAKA, INDIA





4. POOJA DODDAMANI
CHIEF ACCOUNTANT
OFFICE OF THE CHIEF ENGINEER
COMMUNICATIONS AND BUILDING (NORTH)
PUBLIC WORKS DEPARTMENT,
DHARWAD 580 001.

... RESPONDENTS

(BY SRI.SHARAD V MAGADUM, AGA FOR R1,
SRI.MRUTYUNJAYA S HALLIKERI, ADVCOATE FOR R2 & R3,
SRI.SATISH M DODDAMANI, SENIOR COUNSEL
FOR SMT.VIDYAVATHI M KOTTURSHETTAR, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN ORDER, DIRECTION, WRIT OR ANY APPROPRIATE ORDER, WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 06.09.2025 VIDE NO.AA E 189 RAA LE PA 2025 (1) PASSED BY THE RESPONDENT NO.1 (ANNEXURE-D), IN THE INTEREST OF JUSTICE AND PASS SUCH OTHER AND FURTHER ORDER/ORDERS AS ARE DEEMED FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED ON 24.09.2025, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:

- 1.1. Issue an order, direction, writ or any appropriate order, writ in the nature of certiorari quashing the impugned order dated 06.09.2025 vide No.AA E 189 RAA LE PA 2025 (1) passed by the respondent No.1 (Annexure-D), in the interest of justice.*



2. Petitioner has been working as Deputy Comptroller at the University of Agricultural Sciences - respondent No.2, having a long association with the University, and claims to have contributed to the growth of the University as an efficient employee. It is contended that recognizing the petitioner's capabilities, he was appointed as In-charge Comptroller of the University on 02.06.2018 by way of an administrative order of the University, he was further continued as the Administrative Officer of UAS, Dharwad by directing Dr.H Basavaraj, In-charge Comptroller to hand over the complete charge of the post of Comptroller to the petitioner and report compliance.

3. Respondent No.1 - State issued a notification on 02.08.2022 appointing 11 Deputy Comptrollers and Government Directors in additional charges of various posts. One Sanjeev Kumar Singh was deputed as the In-charge Comptroller of respondent No.2. The



petitioner, being still In-charge of the post of Comptroller of the University, contending that such deputation would interfere with his service and claiming the same to be illegal, arbitrary and contrary to law, challenged the same in WP No.103155/2022. This court, vide its order dated 02.09.2022, stayed the order dated 02.08.2022. While the said writ petition was pending, respondent No.1 - State is stated to have passed one more order whereunder one other person was posted to the place of the petitioner and in that background, the petitioner had once again filed another writ petition, which subsequently came to be disposed of in a writ appeal.

4. Though this information has been stated in Paragraph 5 of the writ petition, no details of the writ petition or writ appeal have been furnished. On the basis of the earlier writ petition in WP No.103155/2022, being still pending, and the writ appeal in the other matter was still pending, it is contended that respondent No.1 -



State ought not to have issued one more order giving promotion to respondent No.4 and placing respondent No.4 in the place of the petitioner. It is challenging the same the petitioner is before this Court.

5. The submission of Sri.Prashant S Kadadevar, learned counsel appearing for the petitioner is that

5.1. under Section 31(9)(a) of the Universities of Agricultural Sciences Act, 2009 (hereinafter referred to as 'Act of 2009'), a Comptroller is a whole time officer of the University appointed by the Vice-Chancellor and on that basis it is contended that it is only the Vice-Chancellor who has the authority to appoint the Comptroller and not respondent No.1 - State and on that basis it is contended that the order dated 06.09.2025 appointing respondent No.4 is without authority of law and against the provision of the Act of



2009 and the same having been passed contrary to law, is required to be set aside.

5.2. He also relies on Section 30 of the Act of 2009 to contend that the Officers of the University, shall be appointed by the Vice-Chancellor with the approval of the Board and by referring to Section 24, he submits that the Comptroller is an Officer of the University. He submits that the petitioner having joined the services on 21.03.1994, he was promoted as Deputy Comptroller from 14.03.2013 and has been working as In-charge Comptroller from 02.06.2018.

5.3. There is a consistent attempt made to dislodge the petitioner from his post, the petitioner, being required to file two earlier writ petitions, is now constrained to approach this Court by a third writ petition.



5.4. On that basis, he submits that the petitioner has been targeted and as such this Court ought to intercede in the matter to set aside the appointment of respondent No.4.

6. Sri.Satish M Doddamani, learned Senior counsel appearing for respondent No.4 would submit that

6.1. The petitioner does not have the qualifications to discharge duties as a Comptroller. Respondent No.4, is a person who is so qualified and it is for that reason that respondent No.4 has been appointed.

6.2. The petitioner is guilty of suppressio veri and suggestio falsi, inasmuch as the petitioner has not brought to the notice of this Court the orders passed in WP No.101265/2025 which dismissed the claim of the petitioner. The petitioner has only referred to a favourable order in WP No.103155/2022 and therefore has suppressed



the order against the petitioner in WP No.101265/2025. In the appeal which has been filed, there is no order of stay which has been granted, and as such, the petitioner, having failed in WP No.101265/2025, cannot seek any other order in the present matter.

6.3. In WP No.101265/2025, the petitioner had challenged the appointment of Sri.Vishwanath P.V. who was appointed as the Comptroller of the UAS on 29.07.2025. The said challenge was dismissed by holding that the petitioner does not meet the eligibility criteria to hold the post of Comptroller of the University. When there is a finding of a Coordinate Bench of this Court that the petitioner does not meet the eligibility criteria, the question of the petitioner filing the present petition would not arise.



6.4. Insofar as WP No.103155/2022 is concerned, his submission is that the said writ petition has been rendered infructuous on account of the subsequent appointment of Sri.Vishwanath and thereafter now the appointment of respondent No.4.

6.5. By referring to Subsection (9) of Section 31 of the Act of 2009, he submits that a person appointed to the post of the Comptroller of the University, must be from a cadre which is equivalent to the cadre of Joint Comptroller of State Accounts Department or an Officer of the rank of Deputy Accountant General of the Audit and Accounts Department possessing relevant experience in audit and accounting. The petitioner is neither from the cadre of Joint Comptroller of State Accounts Department nor does he hold the rank of Deputy Accountant General of the Audit and Accounts Department,



and as such as held by this Court in its order dated 29.07.2025 in WP No.101265/2025, the petitioner not meeting the eligibility criteria cannot maintain the present petition.

6.6. He refers to Section 62 of the Act of 2009 to contend that subject to the provisions of the Act and statutes, appointments to the post and services in connection with the affairs of the University may be made by the Vice-Chancellor with the approval of the Board. There being no rules which have been framed in terms of Section 62, it is the Vice-Chancellor who continues to be the appointing authority. The Vice-Chancellor having appointed respondent No.4, the said appointment is proper and correct.

7. Sri.Sharad Magadum, learned AGA appearing for the State would submit that



7.1. the order of the Government is proper inasmuch as a Joint Comptroller of State Accounts Department is required to complete 9 module training, namely 1) Auditing of Local bodies, State Universities Urban Development Authorities, Muzrai Institutions etc. 2) The Government Accounts, 3) Commercial Accounts/ Double Entry Accrual-based Accounting System (DEAS), 4) Public Finance, 5) the Financial Management, 6) Law, 7) Services and Financial Rules, 8) Information and Communication Technology, 9) Organizational Behavior and would pass SAS(Subordinate Accounting System) exams to carryout responsibilities of the Joint Controller. Hence, the capabilities of the petitioner in that regard not being available, a person who has that eligibility and capability can only be appointed as a Comptroller of the UAS from the cadre of Joint Comptroller.



7.2. The petitioner being an In-charge Comptroller, the post is deemed to be vacant and as such, the appointment of respondent No.4 to such vacant post is proper.

7.3. The accounting and auditing function of various departments are carried out by the State Accounts and Audit Department so as to ensure that all departments are in compliance with the rules of the State Accounts and Audit Department and separation between implementation and finance related issue and it is for that reason that senior staff of accounting and audit functions in various departments at senior levels. Respondent No.4 being a person who satisfies that requirement has been so appointed. On that ground he submits that the writ petition is required to be dismissed.



8. Sri.Mrutyunjaya S Hallikeri, learned counsel appearing for the UAS, submits that

8.1. the Vice-Chancellor is the proper authority to appoint a Comptroller. In terms of Subsection (9) of Section 31 of the Act of 2009, the Vice-Chancellor having appointed the petitioner, the same is proper and correct. The respondent No.1 - State could not have appointed respondent No.4 to the said post while it was occupied by the petitioner.

9. Heard Sri.Prashant S Kadadevar, learned counsel for the petitioner, Sri.Sharad V Magadum learned AGA for respondent No.1, Sri.Mrutyunjaya S Hallikeri, learned counsel for respondent Nos.2 and 3 and Sri.Satish M Doddamani, learned Senior counsel for Smt.Vidyavathi M Kotturshettar for respondent No.4. Perused the writ petition papers.

10. The points that would arise for determination are:



1. Whether the Vice-Chancellor could have appointed the petitioner as the In-Charge Comptroller in the year 2018 and whether the petitioner possesses the qualifications to be appointed as the Comptroller of the University?
2. Whether the appointment of respondent No.4 by the State is proper and correct?
3. What order?

11. I answer the above points as under:

12. **Answer to point No.1:** Whether the Vice-Chancellor could have appointed the petitioner as the In-Charge Comptroller in the year 2018 and whether the petitioner possesses the qualifications to be appointed as the Comptroller of the University?

12.1. Section 24 of the Act of 2009 is reproduced hereunder for easy reference:

"24. Officers of the University. -
The following shall be the officers of the University, namely:-

(i) The Chancellor

(ii) Pro-Chancellor

(iii) The Vice-Chancellor



(iv) The Directors

(v) The Deans

(vi) The Registrar

(vii) The University Librarian

(viii) Dean of Student Welfare

(ix) Such other persons in the service of the University as may be declared by the Statutes to be the Officers of the University; and

(x) Comptroller"

12.2.A perusal of Section 24 indicates that a persons named therein would be the Officer of the University.

12.3.Section 30 of the Act of 2009 is reproduced hereunder for easy reference:

"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.”

12.4.A perusal of Section 30 of the Act of 2009 indicates that 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 appointment of such Officers as a temporary measure for a period of six months under intimation to the concerned authority of the University. Thus, any appointment only of the person named in clause (iv) to (ix) of Section 24 could be appointed by the Vice-Chancellor.

12.5.A Comptroller coming under clause (x) of Section 24 is not one who could be appointed by the Vice-Chancellor.



12.6. Section 31 of the Act of 2009 is reproduced hereunder for easy reference:

"31. Directors, Deans, Registrar, Comptroller etc.-

(1) Director of Education

(a) Shall be responsible for coordination teaching, research and extension programs of the University. He will be concerned with the policy matters and system regarding resident instruction in the University and development of educational technology and teachers training programme. He shall also oversee examinations.

(b) Shall be responsible for maintaining permanent records of the Academic Council, Board of studies Under Graduate and Post Graduate Studies and maintaining students' discipline.

(c) Shall function as Member Secretary of the Academic Council and chairman of Board of Studies for under graduate and post graduate programs.

(d) Shall Co-ordinate and review all research and extension education programs in the university.

(e) Shall oversee the activities of communication centre and University Publications."

12.7. Section 31 of the Act of 2009 deals with the various Officers of the University. What is



relevant for this matter is Subsection (9) of Section 31, a perusal of which indicates that a Comptroller shall be a whole time Officer of the University appointed by the Vice-Chancellor with the approval of the Board of Management from and out of a panel of not less than three persons being Officers in the cadre of Joint Comptroller of State Accounts Department or an Officer of the rank of the Deputy Accountant General of Audit and Accounts Department, having experience in audit, accounting and financial administration recommended by the Vice-Chancellor to the Board of Management.

12.8.If none in the panel is approved by the Board of Management, within 30 days, the Chancellor may, in consultation with the Vice-Chancellor, appoint such person as he deems fit to be the Comptroller.



12.9. Thus, the requirement is categorical.

12.9.1. Inasmuch as a panel of not less than three persons being Officers in the cadre of Joint Comptroller of State Accounts Department or an Officer of the rank of Deputy Accountant General of Audit and Accounts Department, having experience in audit, accounting and financial administration, is required to be prepared by the Vice-Chancellor and placed before the Board of Management.

12.9.2. The Board of Management could among the panel of three, select one to be appointed as the Comptroller

12.9.3. The Vice-Chancellor could appoint such person approved by the Board of Management as a Comptroller.



12.9.4. In the event of the Board of Management not approving anyone in the panel, then it would be the Chancellor who could, in consultation with the Vice-Chancellor, appoint such person as he deems fit to be the Comptroller.

12.10. On repeated enquiry, as to whether a panel had been constituted and whether the Board of Management had approved anyone from the panel and whether the petitioner qualified to be on the panel, no documents have been placed on record. Hence, an affidavit was directed to be filed at which stage, the learned counsel for the University submitted that there was no panel which had been recommended by the Vice-Chancellor to the Board of Management.

12.11. Thus, it is clear that firstly, the petitioner is not a qualified person to be named in the panel.



Namely, he does not belong to the cadre of Joint Comptroller of State Accounts Department or an Officer of the rank of Deputy Accountant General of Audit and Accounts Department.

12.12. Secondly, no panel was submitted to the Board of Management.

12.13. Thirdly, the Board of Management did not approve anyone and

12.14. lastly, without any such approval, the Vice-Chancellor has appointed the petitioner as an In-charge Comptroller.

12.15. Insofar as In-charge Comptroller is concerned, Section 30, even if applied to a Comptroller, the Vice-Chancellor can make appointment of such Officers as a temporary measure only for a period of six months under intimation to the concerned authority of the University. Thus, any



In-charge arrangement could only extend for a period of six months and not later. Admittedly, in the present matter, the petitioner has been discharging the In-charge arrangement from the year 2018 and has been challenging any other appointment made by the State, apparently with the active support of the Vice-Chancellor.

12.16. The post of Comptroller being a very important one is clear from Clause (c) of Subsection (9) of Section 31, which indicates that the Comptroller shall, subject to the control of the Finance Committee, exercise such powers and perform such functions as may be prescribed by Statutes and Regulations. It requires the Comptroller to be an independent person, verifying the accounts and expenses of the University. Furthermore, in terms of Clause (b) of Subsection (9) of Section 31, the tenure of the appointment of the Comptroller, is restricted to 4 years.



12.17. It is rather shocking that the petitioner who was appointed as an In-charge Comptroller, which could not have been for more than six months at the most, and even if a Comptroller is appointed by following the procedure under Clause (a) of Subsection (9) of Section 31, the tenure of the Comptroller being not more than four years, the petitioner is continued to discharge his role as a Comptroller from the year 2018 till now for nearly seven years. The above aspect does not inspire confidence and, in fact, is suspicious.

12.18. It is not permissible for the Vice-Chancellor to appoint a Comptroller in such a manner as done and the post of the Comptroller being an essential and important post at the University dealing with all financial aspects, I am of the considered opinion that there is required to be an audit, made by the Comptroller and Audit General of Karnataka into the affairs of the



University from the year 2018 till date to ascertain if there is any financial mismanagement and if any such financial mismanagement is found, to take appropriate action.

12.19. Hence I answer point No.1 by holding that the petitioner did not qualify any of the criteria and as such could not have been appointed as an In-charge Comptroller.

13. **Answer to point No.2: Whether the appointment of respondent No.4 by the State is proper and correct?**

13.1. It is contended that respondent No.4 satisfies the requirement belonging to the Cadre of Joint Comptroller of the Karnataka State Accounts Department. The fact remains that even as regards respondent No.4, there is no panel which had been recommended to the Board of Management by the Vice-Chancellor including the



name of respondent No.4. The Board of Management did not approve the name of the respondent No.4. Hence, the question of respondent No.4 being appointed as Comptroller would not arise, the same being contrary to Subsection (9) of Section 31 of the Act of 2009.

13.2.Hence, I answer point No.2 by holding that respondent No.4 also does not satisfy the requirement and qualification of a Comptroller under Subsection (9) of Section 31 of the Act of 2009.

14. **Answer to point No.3: What order?**

14.1.In view of the above, neither appointment of the petitioner nor respondent No.4 being proper and correct and in terms of Subsection (9) of Section 31 of the Act of 2009, necessary directions would have to be issued.



14.2. In that background, I pass the following:

ORDER

- i. Writ Petition is ***dismissed***.
- ii. The Comptroller and Auditor General of Karnataka is directed to carry out a financial audit of the University of Agricultural Sciences, Dharwad from the year 2018 to 2025 since the Office of the Comptroller was manned by a person who was not competent to do so and if any irregularities are found, to take action in regard there to in terms of the applicable law.
- iii. The Vice-Chancellor is directed to prepare a panel of not less than three persons being Officers of the Cadre of Joint Comptroller of State Accounts Department or an Officer of the Rank of Deputy Accountant General of



Audit and Accounts Department having experience in audit, accounting and financial administration and place the same before the Board of Management within a period of 45 days from today.

- iv. The Board of Management is directed to consider the panel and make its recommendation within 45 days, accepting any one of them or rejecting. If rejecting, give reasons for the same.
- v. In the event of any of the candidates in the panel being accepted by the Board of Management, the Vice-Chancellor could appoint the approved candidate as the Comptroller.
- vi. In the event of all the candidates on the panel being rejected by the Board of Management, the Vice-Chancellor shall



prepare a fresh list of three persons as stated above and place it before the Board of Management within 45 days of such rejection by the Board of Management.

- vii. Until then Respondent No.4 shall discharge her duties as the in-charge Comptroller, strictly in accordance with law,

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

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List No.: 19 Sl No.: 1