

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

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PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 10 OF 2026 (S-RES)

BETWEEN:

YOGESH. B
S/O LATE K.B.BASAVEGOWDA,
AGED ABOUT 62 YEARS
R/AT NO. 194, NEAR GROUND WATER TANK,
JAYANAGAR, HASSAN - 573 202

...APPELLANT

(BY SRI. NAVEEN R.NATH, SENIOR COUNSEL FOR
SRI. A. K.VASANTHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M.S. BUILDING, BENGALURU-560 001.
2. THE CHANCELLOR,
VISVESVARAYA TECHNOLOGICAL UNIVERSITY (VTU),
OFFICE OF THE GOVERNOR,
RAJ BHAVAN, BENGALURU-560 001.
REPRESENTED BY UNDER SECRETARY TO GOVERNOR
3. THE SECRETARY TO THE GOVERNOR
RAJ BHAVAN, BENGALURU-560 001
4. DR. S. VIDYASHANKAR
VICE CHANCELLOR,
VISVESVARAYA TECHNOLOGICAL UNIVERSITY,
JNANA SANGAMA,BELAGAVI-590 018



5. VISVESVARAYA TECHNOLOGICAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
BELAGAVI-590 018.
6. UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS CHAIRMAN,
BAHADUR SHAH JAFAR MARG,
NEW DELHI-110 002.
7. KARNATAKA STATE HIGHER EDUCATION COUNCIL
REPRESENTED BY ITS CHAIRMAN,
BENGALURU CENTRAL UNIVERSITY CAMPUS,
GANDHINAGAR, BENGALURU-560 009.
8. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
REPRESENTED BY ITS SECRETARY,
NELSON MANDELA MARG, VASANT KUNJ,
NEW DELHI-110 070.

...RESPONDENTS

(BY SRI.B.RAVINDRANATH, AGA FOR R1;
SRI.SHOWRI.H.R, ADVOCATE FOR R6 & R8;
SRI.UDAY HOLLA, SENIOR COUNSEL FOR
SRI.SANTHOSH S.NAGARALE, ADVOCATE FOR R2 & R3;
SRI.ADITYA SONDDHI, SENIOR COUNSEL FOR
SRI.ABHISHEK KUMAR, ADVOCATE FOR R4;
SRI.D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI.M.P.SRIKANTH, ADVOCATE FOR R5;
V.C.O DATED 02.09.2026
NOTICE TO R7 IS NOT REQUIRED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
27.11.2025 IN WP No. 16651/2025 PASSED BY THE LEARNED
SINGLE JUDGE AND GRANT SUCH OTHER RELIEFS AS THIS
HON'BLE COURT DEEMS FIT, IN THE INTEREST OF JUSTICE.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
JUDGMENT ON 08.09.2026 AND COMING ON FOR
PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE
H.SHANTHI BHUSHAN** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

“The office of the Vice-Chancellor is not merely an office of authority; it is an office of trust. The holder of such office is expected to be the conscience-keeper of the University and to discharge its responsibilities with objectivity, integrity and independence. The office cannot become a theatre for competing personal interests, nor can the process of appointment or continuance in office be permitted to become a means for settling private scores. Equally, the constitutional jurisdiction of this Court cannot be invoked repeatedly to unsettle an appointment in the absence of a clear legal infirmity. The dignity of the office and the sanctity of the judicial process demand that both the office-holder and those who invoke the jurisdiction of the Court act with restraint, bona fides and fidelity to law.”

1. The appointment of respondent No.4 to the office of Vice-Chancellor has been the subject matter of successive proceedings, namely, W.P.No.21681/2022, W.P.No. 23349/2022 (PIL) and SLP No.5941/2024. Even after the order passed by the Supreme Court, yet another proceeding in W.P.No.26594/2025 came to be instituted and disposed of, followed by W.P.No.28442/2025, which is presently reserved for pronouncement of judgment, all concerning the very same subject matter.
2. For the sake of convenience, parties shall be referred to as per their ranking in W.P.No.16651/2025.
3. Upon perusal of the pleadings, averments and the tenor, language and substance of all the aforesaid proceedings, this Court finds that, barring those portions which set out the individual credentials and personal circumstances of the respective petitioners, the pleadings in these proceedings are couched in substantially identical, and in several respects, verbatim language.
4. It is also significant that some of the learned counsel appearing in the earlier proceedings are representing the parties in the subsequent proceedings as well. This circumstance, when

considered cumulatively with the nature and contents of the pleadings, does not persuade this Court to extend any further indulgence in exercise of its constitutional jurisdiction.

5. The entire record discloses an unfortunate attempt to repeatedly invoke the jurisdiction of the Constitutional Court in respect of substantially the same subject matter. The proceedings of a Constitutional Court cannot be permitted to be used as a forum for ventilating personal grievances, settling individual scores or furthering personal interests and egos. The extraordinary jurisdiction of this Court is intended to secure the rule of law and advance public justice and cannot be converted into an instrument for pursuing collateral or oblique purposes.
6. The Court cannot remain a passive spectator when, on a meaningful consideration of the record, the repeated institution of proceedings appears to be motivated by considerations extraneous to the legitimate invocation of constitutional jurisdiction. Where the process of the Court is sought to be invoked for purposes other than securing genuine legal redress, it becomes the duty of the Constitutional Court to prevent such abuse firmly and decisively. The sanctity of judicial proceedings and the precious time of the Court cannot be permitted to be

compromised by successive proceedings founded on substantially identical pleadings and grievances. Such an attempt, if permitted, would amount to allowing the process of the Court itself to be employed for collateral purposes. The Court is therefore constrained to deal with such conduct with a firm hand and to decline indulgence where the record does not disclose any legitimate ground warranting interference.

7. The petitioners, Yogesh B. and Venugopal K.A., approached this Court in W.P.No.16651/2025 invoking Article 226 of the Constitution of India and principally sought a writ of *quo warranto* questioning the continuance of respondent No.4, Dr.S.Vidyashankar, as Vice-Chancellor of Visvesvaraya Technological University (VTU), Belagavi. Their case was that the appointment of respondent No.4 pursuant to the notification dated 29.09.2022 was contrary to the UGC Regulations, 2018 and Section 13 of the VTU Act, 1994. According to the petitioners, the Vice-Chancellor is required to possess the highest level of competence, integrity, morals and institutional commitment and to be a distinguished academician with the requisite teaching experience and demonstrated academic leadership. They questioned the academic credentials

and antecedents of respondent No.4 and alleged that he did not satisfy the standards contemplated under the UGC Regulations.

8. A substantial part of the challenge was directed against the constitution of the Search-cum-Selection Committee. The petitioners contended that the Committee constituted pursuant to the notification dated 10.08.2022 was not in conformity with Regulation 7.3 of the UGC Regulations, 2018, principally on the ground that there was no nominee of the Chairman of the UGC and that certain members of the Committee were connected with the affairs of VTU. It was alleged that the participation of persons who had earlier held positions in the University compromised the neutrality of the selection process. The petitioners further questioned the recommendation of respondent No.4 on the ground that his academic record did not demonstrate the distinction contemplated for appointment as Vice-Chancellor and referred to allegations concerning his earlier tenure at Karnataka State Open University, including allegations relating to mass copying, financial irregularities and pending proceedings.
9. During the pendency of the writ petition, the Chancellor issued notification No.GS 05 TUM 2025 dated 03.09.2025, whereby

the term of respondent No.4 as Vice-Chancellor was extended for another term of similar period with effect from 30.09.2025. The petitioners treated the said notification as a continuation of the alleged illegality in the original appointment and accordingly filed an interlocutory application seeking stay of the notification. They contended that unless the extension order was stayed, the very purpose of the writ petition would be defeated. The interim prayer was specifically directed against the notification dated 03.09.2025.

10. In the writ petition, the petitioners ultimately sought, *inter alia*, a writ of *quo warranto* calling upon respondent No.4 to show the authority under which he continued to occupy the office of Vice-Chancellor; a declaration that his appointment was illegal and *void ab initio*; quashing of both the original appointment notification dated 29.09.2022 and the subsequent notification dated 03.09.2025; consideration of the representation made by the petitioners and a direction to the Chancellor to initiate a fresh process for appointment of Vice-Chancellor in accordance with the UGC Regulations and the VTU Act, excluding the candidature of respondent No.4.

11. The petitioners also relied upon the UGC Regulations, 2018 and a series of decisions of the Hon'ble Supreme Court concerning the appointment of Vice-Chancellors. Their principal contention was that the Regulations were mandatory, that the absence of a UGC nominee rendered the Search Committee invalid and that the alleged defects in the original appointment could not be cured by a subsequent extension. They further contended that respondent No.4 did not satisfy the requirement of being a "distinguished academician" and that the alleged deficiencies in his academic and administrative antecedents had not been properly considered by the authorities.

12. Respondent Nos.2 and 3, namely the Chancellor and the Secretary to the Chancellor, resisted the petition. Their stand was that there was considerable delay in questioning the appointment dated 29.09.2022 and that no explanation had been offered for the delay. They also questioned the locus of the petitioners, contending that merely describing themselves as aspirants for the post did not confer upon them any vested right, particularly when they had not applied for the post. It was their specific case that the appointment had been made strictly in accordance with Section 13 of the VTU Act, 1994 and

the applicable UGC Regulations, and that the Chancellor had acted within the statutory powers conferred upon him.

13. Respondent Nos.2 and 3 further maintained that the Search-cum-Selection Committee had scrutinized the applications and recommended three candidates, from among whom respondent No.4 was appointed after consideration of his qualifications, credentials and suitability. The allegations concerning his antecedents and other matters were denied or stated to have been duly considered. In particular, it was pointed out that allegations concerning respondent No.4 had been brought to the notice of the authorities after his appointment and that an inquiry had been entrusted to a retired Judge of this Court, Justice Anand Byrareddy, whose report had exonerated respondent No.4 from the allegations levelled against him. The contention that the Search Committee had not been validly constituted was also denied.

14. Respondent No.5-VTU, represented by its Registrar, adopted a more emphatic objection to the maintainability of the proceedings. It relied upon the earlier litigation concerning the very same appointment, namely W.P.Nos.21681/2022 and 23349/2022, which had been dismissed by the Division Bench

on 07.11.2023 and the challenge to which had been carried to the Supreme Court in SLP No.5941/2024. Respondent No.5 contended that the present petition raised substantially the same allegations concerning the appointment, Search Committee, UGC Regulations and qualifications of respondent No.4 and therefore, amounted to a re-agitation of issues already considered in the earlier proceedings. It was further contended that the petition suffered from delay and laches, suppression of material facts and filed with an oblique motive.

15. Respondent No.5 also drew attention to the proceedings in W.P.No.28442/2025, contending that the pleadings therein were substantially similar to those in the earlier writ petitions. It was specifically urged that the petitioners had not explained the source from which they had obtained documents concerning respondent No.4 and that, having regard to the earlier dismissal of the writ petitions and the order of the Supreme Court dated 09.04.2024, the repeated invocation of the writ jurisdiction constituted an abuse of process. It was therefore prayed that W.P.No.16651/2025 be dismissed with exemplary costs.

16. Respondent No.6 has filed a counter affidavit opposing the writ appeal and has supported the order passed by the learned Single Judge. The stand taken is that the challenge in the present proceedings is directed against the appointment of respondent No.4 as Vice-Chancellor and that substantially similar issues had already been raised in the earlier proceedings concerning the very same appointment. Respondent No.6 has relied upon the fact that the earlier challenge had culminated in the order dated 07.11.2023 and had thereafter been carried to the Supreme Court in SLP No.5941/2024. It is contended that, notwithstanding the said proceedings, successive petitions have been instituted questioning the same appointment and that the present proceedings, having regard to the delay and the litigation history, do not call for interference.

17. Respondent No.6 has further supported the appointment process by contending that the Search-cum-Selection Committee was constituted pursuant to the notification dated 10.08.2022 and has sought to meet the allegations concerning the constitution of the Committee and the eligibility and credentials of respondent No.4. The counter affidavit also refers to the challenge raised by the petitioner regarding the alleged

non-inclusion of a UGC nominee, the alleged connection of members of the Committee with the University and the allegation of conflict of interest. According to respondent No.6, these allegations do not furnish a basis for interference with the appointment in the present proceedings.

18.The learned Single Judge, vide order dated 27.11.2025, however, did not enter into the merits of the challenge to the original appointment. The Court noted that the writ petition challenged the appointment order dated 29.09.2022, but during the pendency of the proceedings a subsequent order had been passed extending the tenure of respondent No.4. Since the petitioners had not filed an application for amendment challenging the subsequent order, the learned Single Judge held that nothing survived for consideration in the writ petition and dismissed it as having become infructuous. At the same time, liberty was reserved to the petitioners to challenge the subsequent order, if they so desired. The pending applications were consequently disposed of.

19.Aggrieved by the said order, this intra-court appeal has been preferred by the petitioner. The principal grievance in the appeal is that the learned Single Judge erred in treating the

writ petition as infructuous merely because respondent No.4 had been re-appointed for another term. The appellant contends that the original appointment was challenged as *void ab initio* and that a subsequent extension or reappointment could not, according to him, cure the alleged illegality or prevent judicial scrutiny. It is further contended that during the pendency of the writ petition the appellant had brought the notification dated 03.09.2025 on record by filing an interlocutory application and had specifically sought stay of its operation, but the said application was not considered before the writ petition was dismissed.

20. Aggrieved by the said order, the 1st petitioner is before us on the following among other grounds, whereas the 2nd petitioner has not preferred to challenge the said order for the reasons best known to him.

21. The grounds urged in the writ appeal substantially reiterate the grounds raised in the writ petition. The appellant asserts that a subsequent extension cannot render a *quo warranto* proceeding infructuous; that the legality of the incumbent's continuance in office ought to be examined; that the alleged violation of Regulation 7.3 of the UGC Regulations, including the absence of

a UGC nominee and the alleged participation of persons connected with VTU, remained unadjudicated and that the alleged lack of academic qualifications and suppression of antecedents were not considered by the learned Single Judge. The appellant accordingly seeks setting aside of the order dated 27.11.2025 and grant of appropriate consequential reliefs.

22. It is also relevant to take notice of the earlier litigation, which forms an important part of the background to the present appeal. W.P.Nos.21681/2022 and 23349/2022 had challenged the same appointment of respondent No.4, principally on the alleged improper constitution of the Search Committee, absence of a UGC nominee, lack of requisite qualifications and alleged deficiencies in his credentials. The Division Bench dismissed those petitions on 07.11.2023, principally on the issue of the bona fides and conduct of the petitioner and the unexplained delay, without expressing an opinion on the regularity or otherwise of the entire process culminating in the appointment.

23. The matter was thereafter carried to the Supreme Court in SLP No.5941/2024. Vide order dated 09.04.2024, while granting liberty to the petitioner therein to approach the High Court with

an explanation concerning the adverse observations made against him, the Supreme Court specifically recorded that, insofar as the challenge to the appointment of respondent No.3 as Vice-Chancellor was concerned, it found no merit in the challenge and that the view taken by the Division Bench did not warrant an interference.

24. Thus, the controversy in the present appeal arises against the backdrop of an earlier challenge to the very appointment, its dismissal by the Division Bench, the subsequent order of the Supreme Court, the later notification dated 03.09.2025 extending the tenure of respondent No.4 and the dismissal of W.P.No.16651/2025 on the limited ground that the subsequent order had not been separately challenged. The central question emerging from the appeal is consequently whether, in the facts and circumstances of the case, the learned Single Judge was justified in treating the writ petition as infructuous without examining the effect of the subsequent extension order and the interlocutory application filed by the petitioners.

25. *The question that arises for our consideration is,*

"Whether, in the facts and circumstances of the case and in the overall conspectus of the matter, the order passed by the learned Single Judge warrants an interference by this Court?"

26. We have heard Sri.Naveen R.Nath, learned Senior Counsel on behalf of the appellant, Sri.B.Ravindranath, AGA for respondent No.1, Sri.Showri. H.R., learned counsel for respondent Nos.6 and 8, Sri.Udaya Holla, learned Senior Counsel on behalf of respondent Nos.2 and 3, Sri.Adithya Sondhi, learned Senior Counsel on behalf of respondent No.4 and Sri.D.R.Ravishankar, learned Senior Counsel on behalf of respondent No.4.

27. Having considered the pleadings and the material placed on record, in our opinion, the present writ appeal does not warrant an interference with the order passed by the learned Single Judge. The challenge in the writ petition was essentially to the appointment of respondent No.4 as Vice-Chancellor pursuant to the notification dated 29.09.2022. The very same appointment had earlier been called in question in W.P.Nos.21681/2022 and 23349/2022 by way of writ petitions seeking a writ of *quo warranto*. Those petitions came to be dismissed by the Division Bench on 07.11.2023. Significantly, the Division Bench, after considering the conduct and credentials of the petitioners therein, found that the petitioners had not approached the Court with clean hands, clean heart and clean objective and that there was unexplained delay in questioning the appointment to a public office. The Court, relying upon the

settled principles governing exercise of extraordinary writ jurisdiction, consequently declined to examine the rival contentions on merits.

28. It is also material to notice that the aforesaid order was carried to the Supreme Court in SLP No.5941/2024. The Supreme Court, vide order dated 09.04.2024, specifically recorded that, insofar as the challenge to the appointment of respondent No.4 as Vice-Chancellor was concerned, **"we do not find any merit in such a challenge"**, and held that the view taken by the Division Bench did not warrant an interference. The liberty granted by the Supreme Court was confined to the petitioner therein approaching the High Court with to expunge the adverse comments made against him personally. Thus, the liberty so granted was not a liberty to reopen the appointment of the Vice-Chancellor or to institute successive proceedings raising the very same challenge. The relevant paragraphs read thus:

"2. The petitioner filed a writ petition under Articles 226 and 227 of the Constitution of India before the High Court of Karnataka seeking a writ of quo warranto to declare the appointment of respondent No.3 as Vice-Chancellor of the Visvesvaraya Technological University at Belagavi, Karnataka illegal and remove the

said respondent from the office of Vice Chancellor. A Division Bench of the High Court has dismissed the PIL petition without going into the merits of appointment of respondent No.3 after taking adverse view with regard to the conduct and credentials of the petitioner.

3. It is urged on behalf of the petitioner that a misleading averment was made before the High Court to the fact that the petitioner had suffered punishment pursuant to disciplinary proceedings. The fact of the matter is that he was eventually exonerated in those enquiries. However, petitioner did not get any opportunity to bring such material on record before the High Court. It is also contended that the other circumstances relied upon by the High Court can also be well explained by the petitioner.

4. So far as the challenge to the appointment of respondent No.3 as Vice-Chancellor of the University is concerned, we do not find any merit in such a challenge. The view taken by the Division Bench of the High Court does not warrant any interference. As regard to the adverse comments made by the High Court on the conduct and credentials of the petitioner, it seems to us that the petitioner has some explanation worth consideration.

5. We, therefore, deem it appropriate to dispose of this special leave petition with liberty to the petitioner to approach the High Court with an explanation on the adverse comments made against him in the impugned order. We request the High Court to take a sympathetic view and pass appropriate order as it may deem fit."

29. The subsequent conduct of the litigants also assumes significance. Respondent No.5 has specifically brought to the notice of the Court that W.P.No.28442/2025, filed by another petitioner, contained pleadings substantially similar to those in the earlier W.P.Nos.21681/2022 and 23349/2022. It was also pointed out that, in W.P.No.28442/2025, the petitioner had earlier filed W.P.No.26594/2025 questioning the very appointment and after the Chancellor issued the notification dated 03.09.2025 extending the tenure of respondent No.4, withdrew the earlier proceedings and instituted the subsequent writ petition. What is more significant is that the present writ petition was also instituted only in the year 2025, nearly three years after the original appointment dated 29.09.2022 and after the challenge to the said appointment had already been carried to the Supreme Court and disposed of on 09.04.2024. The statement of objections specifically would point out that no satisfactory explanation whatsoever is forthcoming for the delay in questioning the appointment after such a considerable lapse of time.

30. The chronology, therefore, cannot be viewed in isolation. The earlier proceedings culminated in the order of the Division

Bench dated 07.11.2023, and thereafter, in the order of the Hon'ble Supreme Court dated 09.04.2024. Thereafter, another writ petition raising substantially the same challenge came to be filed and the present writ petition too was filed in 2025. The timing of these proceedings, particularly when the tenure of respondent No.4 was nearing completion and the question of extension arose, lends considerable force to the objection that the extraordinary jurisdiction of this Court was being repeatedly invoked to prevent continuation of the incumbent in office rather than to vindicate a genuine public-law grievance. Respondent No.5 has, in this regard, specifically pleaded that the petitioners had waited till the fag end of the tenure and that the proceedings were intended to ensure that respondent No.4 did not secure continuation in office.

31. The earlier Division Bench had also cautioned that PIL jurisdiction, particularly in a matter seeking quo warranto, cannot be permitted to become an instrument for securing vengeance against private parties or for settling personal scores. In this regard, it would be trite to note the observation of the Hon'ble Supreme Court in ***K.D. Sharma v. SAIL***,¹

¹ (2008) 12 SCC 481.

wherein the approach which this Court should have in entertaining prerogative writs under Article 226 of Constitution was elaborated in the following words:

"36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

38. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because "the court knows law but not facts."

32. We may also note the judgment of the Supreme Court in **B.**

Srinivasa Reddy v. Karnataka Urban Water Supply &

Drainage Board Employees' Assn.,² wherein it was noted that proceedings in *quo warranto* cannot be used to settle personal scores.

"53. *This Court in A.N. Shashtri v. State of Punjab [1988 Supp SCC 127 : 1988 SCC (L&S) 536 : (1988) 7 ATC 290] held that the writ of quo warranto should be refused where it is an outcome of malice or ill will. The High Court failed to appreciate that on 18-1-2003 the appellant filed a criminal complaint against the second respondent Halakatte, that cognizance was taken by the criminal court in CC No. 4152 of 2003 by the Jurisdictional Magistrate on 24-2-2003, process was issued to the second respondent who was enlarged on bail on 12-6-2003 and the trial is in progress. That apart, the second respondent has made successive complaints to the Lokayukta against the appellant which were all held to be baseless and false. This factual background which was not disputed coupled with the fact that the second respondent Halakatte initiated the writ petition as President of the 1st respondent Union, which had ceased to be a registered trade union as early as on 2-11-1992 suppressing the material fact of its registration having been cancelled, making allegations against the appellant which were no more than the contents of the complaints filed by him before the authorities which had been found to be false after thorough investigation by the Karnataka Lokayukta, would unmistakably establish that the writ petition initiated by Respondents 1 and 2 lacked in bona fides and it was the outcome of the malice and ill will the 2nd respondent nurses against the appellant. Having regard to this aspect of the matter, the High Court ought to have dismissed the writ petition on that ground alone and at any event should have refused to issue a quo warranto, which is purely discretionary. **It is no doubt true that the strict rules of locus standi are relaxed to an extent in a quo warranto proceedings. Nonetheless an imposter coming before the Court invoking public law remedy***

² (2006) 11 SCC 731.

at the hands of a constitutional court suppressing material facts has to be dealt with firmly.

"84.A petition praying for a writ of quo warranto being in the nature of public interest litigation, it is not maintainable at the instance of a person who is not unbiased. The second respondent is the President of the first respondent Union. He has chosen this forum to settle personal scores against his erstwhile superior officer after his retirement. The proceeding, in our view, is not meant to settle personal scores by an employee of the department. The High Court, in our view, ought to have dismissed the writ petition filed by Respondent 1 at the threshold."

(emphasis supplied)

33. These observations assume significance when the subsequent litigation is examined against the aforesaid chronology and the repeated attempts to question the same appointment. The extraordinary jurisdiction of this Court is intended to secure the rule of law and public justice and cannot be permitted to be employed as a continuing platform for pursuing a private dispute or for unsettling an appointment through successive proceedings.

34. We are conscious that the earlier Division Bench expressly stated that it had not expressed an opinion on the regularity or otherwise of the entire proceedings culminating in the appointment and that its observations were confined to disposal of those cases. Equally, the order of the Supreme Court cannot

be read as a detailed adjudication of every individual contention concerning the selection process. Nevertheless, the subsequent proceedings cannot be permitted to disregard the fact that the very challenge to the appointment had already been examined at the threshold by the Division Bench and that the Supreme Court declined to interfere with that decision, specifically recording that it found no merit in the challenge to the appointment.

35. The stand of respondent Nos. 2 and 3 also cannot be brushed aside. They have maintained that the Search-cum-Selection Committee was constituted in accordance with the VTU Act; that the credentials of respondent No. 4 were considered by the Selection Committee and that the Committee, after evaluation, found him eligible and recommended his name along with two other candidates. They have further stated that the allegations concerning his antecedents were brought to the notice of the Chancellor and that an inquiry was entrusted to a retired Judge of this Court, Justice Anand Byrareddy, whose report, according to them, exonerated respondent No. 4 from the allegations levelled against him. They have also denied the allegation that respondent No. 4 lacked the requisite academic qualifications or that there was suppression of material facts, maintaining that

the allegations were vague and unsupported by credible material.

36. Respondent No.5, representing the University, has taken a similar and more specific objection that the challenge to the notification dated 29.09.2022 is belated by about three years, that substantially identical grounds had already been raised in the earlier proceedings and that the present proceedings amount to an abuse of the process of Court. It has further contended that the appointment is in consonance with Section 13 of the VTU Act and that the petitioners have failed to establish any statutory infraction warranting issuance of a writ of quo warranto. As regards the UGC, its counter affidavit has to be read in its proper perspective. The UGC has expressly stated that its affidavit was filed only for the limited purpose of clarifying the legal position governing the subject matter under its Regulations. It has reiterated that Regulation 7.3 governs the selection of Vice-Chancellors and stipulates, inter alia, the constitution of the Search-cum-Selection Committee and nomination of one member by the Chairman of the UGC. The UGC has further stated that its Regulations are framed by experts, are mandatory in nature and that Universities and institutions have been advised to strictly comply with them.

However, the UGC has not itself sought adjudication of the disputed factual allegations against respondent No.4, nor has it undertaken to decide the validity of his appointment in the present proceedings; it has left the matter to the appropriate orders of this Court. Thus, the UGC's stand, by itself, cannot furnish a basis for allowing the present appeal.

37. There is yet another circumstance which cannot be lost sight of.

The learned Single Judge did not pronounce upon the validity of the original appointment on merits. On account of the subsequent notification dated 03.09.2025 extending the tenure of respondent No.4 and in the absence of any amendment to the writ petition challenging that subsequent notification, the learned Single Judge held that nothing survived for consideration in the writ petition and accordingly dismissed it as having become infructuous, while reserving liberty to the petitioner to challenge the subsequent order, if so advised. Therefore, the scope of the present appeal is limited. We are not called upon to undertake a fresh adjudication of the alleged deficiencies in the original selection process or to pronounce upon the merits of the allegations against respondent No.4, but only to consider whether the order of the learned Single Judge,

in the circumstances in which the writ petition stood before him, warrants interference.

38. Viewed from that limited perspective, the answer must necessarily be in the negative. The petitioner approached the Court after substantial delay, without satisfactorily explaining why the appointment dated 29.09.2022 was questioned only in 2025, despite the fact that the same appointment had already been subjected to constitutional challenge and the matter had travelled to the Supreme Court. The subsequent filing of another writ petition raising substantially similar grounds, followed by the present proceedings, strengthens the inference that repeated attempts were being made to invoke the jurisdiction of the Constitutional Court in relation to the same appointment. A writ of quo warranto is undoubtedly a public-law remedy; but the fact that such a writ is sought does not dispense with the requirement of bona fides or entitle a litigant to repeatedly invoke the jurisdiction of the Court on substantially the same cause after an earlier proceeding has failed. The constitutional jurisdiction of the Court is meant to secure public justice and not to provide a continuing platform for successive attempts to unsettle an appointment.

39. There is also an independent aspect relating to the nature of the relief sought. The scope of a writ of *quo warranto* is well settled. *Quo warranto* proceedings provide a judicial enquiry through which any person occupying public office can be required to demonstrate the authority under which he holds that office. If the enquiry results in a finding that the holder lacks valid title to the post, issuance of the *quo warranto* writ removes him from the post. Put differently, the *quo warranto* procedure vests the judiciary with jurisdiction and power to review executive conduct in appointing individuals to public offices contrary to applicable statutory provisions; at the same time, it safeguards a citizen against wrongful exclusion from a public office to which he may be entitled.

40. It follows that where such proceedings are pursued in keeping with the recognized conditions, they serve to shield the public from those who usurp public office. In certain instances, individuals lacking entitlement to a public office manage to occupy and retain it through the executive's collusion or direct assistance; in such circumstances, proper invocation of the courts' jurisdiction to issue a writ of *quo warranto* enables the usurper to be removed and the rightful claimant to be installed in the post. It is therefore evident that before a citizen may

seek a writ of *quo warranto*, he must, among other things, satisfy the court that the office at issue qualifies as a public office and is being held by an usurper without lawful authority, which in turn necessitates examining whether the appointment of the alleged usurper conformed to law.

41. In a proceedings under *quo warranto*, the Court is required to examine whether the incumbent is legally entitled to occupy the public office and whether the appointment is contrary to the statutory provisions governing such appointment. The jurisdiction is not intended to enable the Court to undertake a comparative assessment of the merits of eligible candidates or to examine whether, in the opinion of the petitioner, another candidate would have been a better or more suitable choice.

42. Once the prescribed qualification and eligibility are satisfied and the appointment is made by the competent authority in accordance with law, the wisdom of the choice made by such authority does not ordinarily fall for consideration in *quo warranto* proceedings. The Court cannot assume the role of the appointing authority and substitute its own assessment of suitability for that of the authority entrusted with the selection. Therefore, the scope of the inquiry is only restricted to

'eligibility' and not the **'suitability'** of the candidate holding public office.

43. In this regard, it is trite for us to note some observations of the Hon'ble Supreme Court in **B. Srinivasa Reddy (supra)**, wherein it was held:

"51. It is settled law by a catena of decisions that the court cannot sit in judgment over the wisdom of the Government in the choice of the person to be appointed so long as the person chosen possesses the prescribed qualification and is otherwise eligible for appointment. This Court in R.K. Jain v. Union of India [(1993) 4 SCC 119 : 1993 SCC (L&S) 1128 : (1993) 25 ATC 464] was pleased to hold that the evaluation of the comparative merits of the candidates would not be gone into a public interest litigation and only in a proceeding initiated by an aggrieved person, may it be open to be considered. It was also held that in service jurisprudence it is settled law that it is for the aggrieved person, that is, the non-appointee to assail the legality or correctness of the action and that a third party has no locus standi to canvass the legality or correctness of the action. Further, it was declared that public law declaration would only be made at the behest of a public-spirited person coming before the court as a petitioner. Having regard to the fact that neither Respondents 1 and 2 were or could have been candidates for the post of Managing Director of the Board and the High Court could not have gone beyond the limits of quo warranto so very well delineated by a catena of decisions of this Court and applied the test which could not have been applied even in a certiorari proceedings brought before the Court by an aggrieved party who was a candidate for the post."

(emphasis supplied)

44. These observations regarding to the limited scope of indulgence of this Court in a proceedings for quo warranto was also echoed in another decision of the Hon'ble Supreme Court in **Rajesh Awasthi v. Nand Lal Jaiswal**,³ wherein it was observed:

"22. We fully agree with the learned Senior Counsel for the appellant that suitability of a candidate for appointment does not fall within the realm of writ of quo warranto and there cannot be any quarrel with that legal proposition. The learned Senior Counsel also submitted that, assuming that the Selection Committee had not discharged its functions under sub-section (5) of Section 85 of the Act, it was only an omission which could be cured by giving a direction to the Selection Committee to comply with the requirement of sub-section (5) of Section 85 of the Act. The learned Senior Counsel submitted that since it is a curable irregularity, a writ of quo warranto be not issued since issuing of writ of quo warranto is within the discretion of the court. The learned Senior Counsel made reference to the judgment of the Court in R. v. Speyer [(1916) 1 KB 595 (DC)]."

(emphasis supplied)

45. In the case on hand, the petitioner has not been able to demonstrate that the respondent suffers from any statutory disqualification which renders him ineligible to hold the office of Vice-Chancellor. There is equally no material of such a nature as would establish that the appointment was made by an authority lacking jurisdiction or in patent violation of a

³ (2013) 1 SCC 501.

mandatory statutory requirement. The grievance, in substance, relates to the constitution and functioning of the selection process and to the assessment of the respondent's credentials and suitability. Such matters, in the absence of a clear statutory prohibition or illegality going to the very authority of the incumbent to hold office, cannot be made the basis for issuance of a writ of *quo warranto*. It is not enough for a petitioner merely to assert that the selection was irregular or that another person was more meritorious. What is required to be established is that the incumbent is holding the office without lawful authority. That essential requirement has not been satisfied in the present case.

46. For the aforesaid reasons, even assuming that the petitioner was entitled to invoke the jurisdiction of this Court by way of *quo warranto*, no case has been made out for issuance of such a writ. The relaxation of the rule of *locus standi* in *quo warranto* proceedings does not confer an unrestricted right to repeatedly invoke the extraordinary jurisdiction of the Court, particularly when no statutory disqualification or patent illegality in the appointment is demonstrated. Having regard to the nature of the challenge, the history of the proceedings, the unexplained delay and the subsequent event which rendered the original

writ petition infructuous, we find no perversity, jurisdictional error or infirmity in the order passed by the learned Single Judge warranting interference in this intra-court appeal. The liberty reserved by the learned Single Judge to challenge the subsequent notification, if so advised, sufficiently protects any legally sustainable grievance arising from that subsequent order.

47. The writ appeal is, accordingly, ***dismissed.***

48. Consequently, I.A.Nos.1/2026, 2/2026 and 4/2026 do not survive for consideration and they stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM