



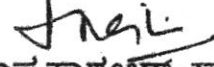
**ಕರ್ನಾಟಕವಿಧಾನಪರಿಷತ್ತು**

1. ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ : 836  
ಸಂಖ್ಯೆ
2. ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀದಿನೇಶ್ ಗೊಳಿಗೌಡ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಿಂದ ಚುನಾಯಿತರಾದವರು)
3. ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ : 16.12.2024
4. ಉತ್ತರಿಸಬೇಕಾದ ಸಚಿವರು : ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಸಚಿವರು

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆಗಳು	ಉತ್ತರಗಳು
(ಅ)	ಕಳೆದ 16 ವರ್ಷಗಳಿಂದ ಗ್ರೂಪ್-ಎ ಮತ್ತು ಗ್ರೂಪ್-ಬಿ ವರ್ಗದ ನೌಕರರನ್ನು ಹೊರತುಪಡಿಸಿ ಗ್ರೂಪ್-ಸಿ ವರ್ಗದ ಶುಶ್ರೂಷಾಧಿಕಾರಿಗಳಿಗೆ ಪದೋನ್ನತಿ ನೀಡಲಾಗುತ್ತಿದೆಯೇ; ಇಲ್ಲವಾದಲ್ಲಿ ಕಾರಣವೇನು; (ಸಂಪೂರ್ಣ ವಿವರ ನೀಡುವುದು)	ಹಿರಿಯ ಶುಶ್ರೂಷಾಧಿಕಾರಿ ಹುದ್ದೆಗಳು ಮಂಜೂರಾಗಿರುವ ಸ್ವಾಯತ್ತ ವೈದ್ಯಕೀಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಶುಶ್ರೂಷಾಧಿಕಾರಿ ಹುದ್ದೆಯಿಂದ ಹಿರಿಯ ಶುಶ್ರೂಷಾಧಿಕಾರಿ ಹುದ್ದೆಗೆ ಪದೋನ್ನತಿ ನೀಡಲಾಗಿರುತ್ತದೆ. ಹಿರಿಯ ಶುಶ್ರೂಷಾಧಿಕಾರಿ ಹುದ್ದೆಗಳು ಮಂಜೂರಾಗಿಲ್ಲದೇ ಇರುವ ಸ್ವಾಯತ್ತ ವೈದ್ಯಕೀಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಶುಶ್ರೂಷಾಧಿಕಾರಿಗಳಿಗೆ ಪದೋನ್ನತಿ ನೀಡುತ್ತಿರುವುದಿಲ್ಲ.
(ಆ)	ಪಿಸಿಸಿ (ಕ್ಯಾನ್ಸರ್ ಕೇಂದ್ರ) ಯಿಂದ ಸೇರ್ಪಡೆಯಾದ ಗ್ರೂಪ್-ಸಿ ಸಿಬ್ಬಂದಿಗಳು ಸುಮಾರು 27 ವರ್ಷಗಳಿಂದ ಸೇವೆಸಲ್ಲಿಸಿ ಪದೋನ್ನತಿ ಹೊಂದದೆ ವಯೋನಿವೃತ್ತಿ ಹೊಂದುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ; (ಸಂಪೂರ್ಣ ವಿವರಗಳನ್ನು ನೀಡುವುದು)	ಮಿಮ್ಸ, ಮಂಡ್ಯ ಸಂಸ್ಥೆಯಲ್ಲಿ ಗ್ರೂಪ್-ಸಿ ಹುದ್ದೆಯಲ್ಲಿ ಲಿಪಿಕ ನೌಕರರುಗಳಿಗೆ ಲಭ್ಯವಿರುವ ಹುದ್ದೆಗಳ ಎದುರು ಹುದ್ದೆಯಲ್ಲಿ ಪದೋನ್ನತಿ ನೀಡಲಾಗಿರುತ್ತದೆ. ಉಳಿದ ಗ್ರೂಪ್-ಸಿ ವೃಂದಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪದೋನ್ನತಿ ಹುದ್ದೆಗಳು ಮಂಜೂರಾಗದೇ ಇರುವುದರಿಂದ ಪದೋನ್ನತಿಗೆ ಪರಿಗಣಿಸಲಾಗಿರುವುದಿಲ್ಲ.
(ಇ)	ಗ್ರೂಪ್-ಸಿ ನೌಕರರ ಪದೋನ್ನತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಘನನ್ಯಾಯಾಲಯದ ಆದೇಶಗಳ ಪ್ರತಿಯನ್ನು ಒದಗಿಸುವುದು.	ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶಗಳ ಪ್ರತಿಯನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ಒದಗಿಸಲಾಗಿದೆ. 1. ಮಿಮ್ಸ, ಮಂಡ್ಯ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ:6001/2020 ಆದೇಶದ ಪ್ರತಿ (ಅನುಬಂಧ-1) 2. ರಿಮ್ಸ, ರಾಯಚೂರು ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಿಟ್ ಪಿಟಿಷನ್ ಸಂ:200333/2022, C/w WP. No:201032/2022, & WP No:201034/2022ರ ಪ್ರಕರಣದಲ್ಲಿನ ಆದೇಶದ ಪ್ರತಿ (ಅನುಬಂಧ-2) 3. ಕಿಮ್ಸ- ಹುಬ್ಬಳ್ಳಿ, ಡಿಮಾನ್ಸ್-ಧಾರವಾಡ, ಬಿಮ್ಸ- ಬೆಳಗಾವಿ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ WP. No:147659/2020, C/w WP No:147502/2020, WP No:147606/2020, WP No:147778/2020ರ ಪ್ರಕರಣಗಳಲ್ಲಿನ ಆದೇಶದ ಪ್ರತಿ (ಅನುಬಂಧ-3)
	ನಿಯೋಜನೆ ಮೇಲಿರುವ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ಸಿಬ್ಬಂದಿಗಳನ್ನು ಉಚ್ಚನ್ಯಾಯಾಲಯದ ಆದೇಶವಾದರೂ ಸಹ ಮಾತೃಇಲಾಖೆಗೆ ಕಳುಹಿಸದೆ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ವಿಭಾಗದಲ್ಲಿ	ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ:6001/2020, ಶ್ರೀಮತಿಚಿನ್ನಮ್ಮ ಎಂ.ಯು., ಮತ್ತು ಇತರರು ವಿರುದ್ಧ ರಾಜ್ಯ ಸರ್ಕಾರ ಮತ್ತು ಇತರರು ಪ್ರಕರಣದಲ್ಲಿ ಗೌ. ಉಚ್ಚನ್ಯಾಯಾಲಯವು ನೀಡಿರುವ ಆದೇಶದನ್ವಯ ನಿಯೋಜನೆ ಮೇಲಿರುವ ಸಿಬ್ಬಂದಿಗಳನ್ನು ಹಿಂದಕ್ಕೆ ಕರೆಸಿಕೊಳ್ಳಲು ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಿಂದ ಕ್ರಮವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

ಮುಂದುವರೆಸುತ್ತಿರಲು ಕಾರಣಗಳೇನು?	ಅಲ್ಲದೇ ರಿಟ್ ಪಿಟಿಷನ್ ಸಂ:6001/2020ರ ಪ್ರಕರಣದಲ್ಲಿ ಗೌ. ನ್ಯಾಯಾಲಯವು ನೀಡಿರುವ ಆದೇಶದ ವಿರುದ್ಧ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಿಂದ ರಿಟ್ ಅಪೀಲ್ ಸಂ:977/2022ನ್ನು ದಾಖಲಿಸಲಾಗಿದ್ದು, (ಅನುಬಂಧ-4) ಸದರಿ ಪ್ರಕರಣವು ಗೌ. ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಬಾಕಿ ಇರುತ್ತದೆ.
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ಸಂಖ್ಯೆ:ಎಂಇಡಿ782 ಎಂಪಿಎಸ್ 2024



(ಡಾ. ಶರಣಪ್ರಕಾಶ್ ಆರ್. ಪಾಟೀಲ)

ವೈದ್ಯಕೀಯಶಿಕ್ಷಣಹಾಗೂ

ಕೌಶಲ್ಯಾಭಿವೃದ್ಧಿ, ಉದ್ಯಮಶೀಲತೆ ಮತ್ತು

ಜೀವನೋಪಾಯಸಚಿವರು.

Annexure - 1

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19<sup>TH</sup> DAY OF APRIL, 2022

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

**WRIT PETITION NO.6001 OF 2020 (S-RES)**

**C/W**

**WRIT PETITION NO.5964 OF 2020 (S-RES),**

**WRIT PETITION NO.8855 OF 2021 (S-RES)**

**IN W.P. NO. 6001 OF 2020**

**BETWEEN**

1. SMT. CHINNAMMA M U  
W/O PAVITHRA P P  
AGED ABOUT 59 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
2. SRI G N SUREDNRANATH  
S/O LATE D NANJUNDAPPA  
AGED ABOUT 53 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
3. SRI KUMAR M H  
S/O LATE HANUME GOWDA  
AGED ABOUT 51 YEARS  
STAFF NURSE

MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401

4. SMT JALAJAMANI K G  
W/O RAMAMURTHY  
AGED ABOUT 54 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
5. SMT. DHANALAKSHMI K  
D/O LATE P KESHAV  
AGED ABOUT 53 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
6. SANNARAJU K L  
S/O LATE LINGE GOWDA  
AGED ABOUT 56 YERS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
7. KRISHNA G C  
S/O LATE CHIKKAHYDE GOWDA  
AGED ABOUT 49 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401

8. ANUSUYAMMA M B  
W/O RAMESH D N  
AGED ABOUT 47 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
9. PUNYAVATHI  
D/O THIBBEGOWDA  
AGED ABOUT 46 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
10. NAGARATHANA N R  
D/O LATE RANGAPPA  
AGED ABOUT 43 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
11. JAI BHARATHI  
D/O CHJNCHEGOWDA  
AGED ABOUT 41 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
12. NAVEEN KUMAR S D  
S/O DASAPPA  
AGED ABOUT 34 YEARS  
STAFF NURSE

MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401

13. SMT MYTHRI V S  
D/O LATE SRINIVASMURTHY  
AGED ABOUT 38 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
14. SMT REKHA H S  
W/O BASAVARAJU A N  
AGED ABOUT 35 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
15. SMT MANJULA H B  
W/O THAMMANNA M K  
AGED ABOUT 38 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
16. SM. POORNIMA H R  
W/O SATHISH M  
AGED ABOUT 40 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401

17. SMT. PADMA V  
W/O RAGHAVENDRA M C  
AGED ABOUT 43 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
18. SRI BHASKAR C V  
S/O VENKATARAJA C M  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
19. SMT. K. POORNIMA  
W/O K GNANA MURTHY  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
20. SRI SARPARAJ  
S/O SHIVASWAMY  
AGED ABOUT 45 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
21. SRI RAGHU T  
S/O THIMMAIAH S  
AGED ABOUT 40 YEARS  
STAFF NURSE

MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401

22. SMT. VEENA KUMARI K  
W/O LINGARAJU A  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
23. SMT. VEDA K B  
W/O CHETHAN J V  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
24. SMT. MANJULA K S  
W/O DEVARAJU T D  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
25. SRI JAGANNATHA H S  
S/O SHANKAR SHETTY  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401



26. SMT. ASHA S B  
W/O VISHWANATH T.M  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
27. SMT. TULASIMANI G T  
W/O ANANTHA N P  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
28. SRI UMESHA S K  
S/O LATE KUMARASWAMY  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
29. SMT. ROSE MARY T F  
W/O D.S. ANTHONY  
AGED ABOUT 44 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401
30. SRI PRABHUKUMAR ASWAMY C K  
S/O CHANDRASHEKHARAI AH  
AGED ABOUT 36 YEARS  
STAFF NURSE

MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA 571401

31. SMT. THARA M  
W/O NAGARAJU B  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401
32. SMT. GRACY N .M  
W/O JOHNSON K.V  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401
33. SMT. MAMATHA N S  
D/O SHIVARAJU  
AGED ABOUT 35 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401

... PETITIONERS

(BY SRI.VIJAYA KUMAR, ADVOCATE)

**AND**

1. THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY  
HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT  
VIKASA SOUDHA, BANGALORE-560001.

2. THE STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY  
MEDICAL EDUCATION DEPARTMENT  
VIKASA SOUDHA, BANGALORE-560001.
3. THE COMMISSIONER  
HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT  
ANAND RAO CIRCLE, BANGALORE-560009.
4. THE DIRECTOR  
MEDICAL EDUCATION DEPARTMENT  
VIKASA SOUDHA, BANGALORE-560001.
5. THE DEAN AND DIRECTOR  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
6. SMT. SUMITHRA DEVI N  
AGED ABOUT 56 YEARS  
W/O SANJEEVAIAH  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
7. SMT. JAYASUNDARI  
AGE 57 YEARS  
W/O ANBUKUMAR  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
8. SMT. SAMPATHKUMARI B L  
AGE 55 YEARS  
W/O R MOHAN  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002

9. SMT. N. KANTHA  
AGE 56 YEARS  
W/O KRISHNA  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
10. SMT. NIRMALA SHARANAPPA  
AGE 57 YEARS  
W/O ANDRAIAH  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
11. SMT. SHOBHA  
AGE 55 YEARS  
W/O RAJAPPA  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
12. SMT. B.V. VENKATALAKSHMI  
AGE 55 YEARS  
W/O VENKATESH  
SENIOR STAFF NURSE  
VANIVILAS HOSPITAL  
BANGALORE-560002
13. SMT. NAGARATHNA M  
AGE 53 YEARS  
W/O SIDDARAJU A M  
STAFF NURSE  
MANDYA MEDICAL COLLEGE  
& RESEARCH INSTITUTE  
MANDYA-571401
14. SMT. C.M. RENU  
AGE 53 YEARS  
W/O P C GANAPATHI  
STAFF NURSE

MANDYA MEDICAL COLLEGE  
& RESEARCH INSTITUTE  
MANDYA-571401

15. SMT. D.M. PARWATHI  
AGE 53 YEARS  
W/O MOHAN M P  
STAFF NURSE  
MANDYA MEDICAL COLLEGE  
& RESEARCH INSTITUTE  
MANDYA-571401
16. SMT. SAVITHRAMMA  
AGE 55 YEARS  
W/O B BABU  
STAFF NURSE  
GOVERNMENT GENERAL HOSPITAL  
MADDUR-571429
17. SMT. M.G. UMAVATHI  
AGE 56 YEARS  
W/O AITHAPPA NAIK  
STAFF NURSE  
GOVERNMENT GENERAL HOSPITAL  
MADDUR-571429

...RESPONDENTS

(BY SRI. R. SUBRAMANYA, AAG FOR  
SRI. PARAMESHWARAIH D.C, HCGP FOR R1 TO R4;  
SRI. KRISHNA, ADVOCATE FOR R5;  
SRI. M P SRIKANTH, ADVOCATE FOR R6 TO R17)

THIS WRIT PETITION IS FILED UNDER ARTICLES  
226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
CALL FOR RECORDS RELATING TO THE ISSUE OF THE  
IMPUGNED ORDER DATED 06.06.2017 ISSUED BY THE R-  
1, VIDE ANNEX-G IN SO FAR AS IT RELATES TO GRANTING  
POWER TO THE R-1 TO FILL UP THE VACANCIES  
AVAILABLE IN THE DISTRICT HOSPITAL ATTACHED TO  
THE R-5 INSTITUTION AND SET ASIDE THE SAME AND  
ETC.

**IN W. P. NO. 5964 OF 2020**

**BETWEEN**

1. SRI. RAGHU K L  
S/O LAKSHMAN  
AGED ABOUT 36 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
2. SRI.REVANASIDDAPPA HUNALLI  
S/O YASHVANT HUNALLI  
AGED ABOUT 37 YEARS  
A AND E DEPT TECH  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
3. SRI.BASAVARAJ  
S/O LATE JAYARAMA DASHAVANT  
AGED ABOUT 35 YEARS  
STAFF NURSE  
VANI VILAS HOSPITAL  
BANGLAORE-560 002.
4. SRI.NARAYANASWAMY T.S.  
S/O CHIKKAMUNISHAMAPPA  
AGED ABOUT 33 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
5. SMT.UMA H.M.  
D/O LATE MARIYAPPA  
AGED ABOUT 43 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 02.

6. SRI.MAILARI KASABEER  
S/O AMRUT KASABEER  
AGED ABOUT 34 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 02.
7. SMT.SUNITHA D  
D/O LATE K.A.DEVASSY  
AGED ABOUT 44 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 02.
8. SMT. ANUPAMA.S  
D/O LATE SHIVANNA  
AGED ABOUT 41 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 02.
9. SRI.JABBIULLA A  
S/O ANWAR PASHA  
AGED ABOUT 36 YEARS  
STAFF NURSE  
MINTO OPHTHOMIC HOSPITAL  
OF OPHTHALMOLOGY  
BANGALORE-560 002.
10. SRI.VISHWANATH G.N.  
S/O NAGARAJAPPA H.G.  
AGED ABOUT 34 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
11. SRI.VENUGOPAL B.R.  
S/O RAMAKRISHNAIAH B.T

- AGED ABOUT 34 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
12. SRI.IMMANUEL P  
S/O PRABHU KUMAR  
AGED ABOUT 32 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
13. SMT.DEEPTHI MARY K.C.  
W/O NAVEEN JOSE  
AGED ABOUT 38 YEARS  
STAFF NURSE,  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
14. SMT.VIDYA N.R.  
W/O NAGENDRA M.L.  
AGED ABOUT 32 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.
15. SMT.ALPHONS LATHA GEORGE  
W/O INFANT NAVEEN KUMAR  
AGED ABOUT 34 YEARS  
STAFF NURSE  
VANIVILAS HOSPITAL, BMCRI  
BANGALORE-560 002.
16. SMT.RANJINI  
W/O GIRSH  
STAFF NURSE  
VANIVILAS HOSPITAL, BMCRI  
BANGALORE-560 002.



17. SRI.PRASHANT  
S/O AMALAYYA  
AGED ABOUT 32 YEARS  
STAFF NURSE  
VICTORIA HOSPITAL, BMCRI  
BANGALORE-560 002.

...PETITIONERS

(BY SRI. M.R.SHAIENDRA, ADVOCATE)

**AND**

1. STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY  
HEALTH AND FAMILY WELFARE  
SERVICE DEPARTMENT  
M.S.BUILDING, DR AMBEDKAR VEEDHI  
BANGALORE-560 001.
2. THE PRINCIPAL SECRETARY  
MEDICAL EDUCATION DEPARTMENT  
VIKAS SOUDHA  
BANGALORE-560 01
3. THE DIRECTOR OF HELATH AND  
FAMILY WELFARE SERVICES  
ANAND RAO CIRCLE  
BANGALORE-560009.
4. DIRECTOR OF MEDICAL EDUCATION  
ANANDA RAO CIRCLE  
BANGALORE-560 009.
5. THE CHIEF ADMINISTRATIVE OFFICER  
HEALTH AND FAMILY WELFARE SERVICES  
ANANDA RAO CIRCLE  
BANGALORE-560 001
6. BANGALORE MEDICAL COLLEGE  
AND RESEARCH INSTITUTE  
REP BY ITS DEAN/DIRECTOR  
FORT, CHAMARAJPET

BANGALORE-560 018  
REPRESENTED BY ITS  
DEAN/DIRECTOR

...RESPONDENTS

(BY SRI. D.C. PARAMESHWARAIHAH, HCGP FOR R1 TO R5;  
SRI. P S MALIPATIL, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES  
226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
CALL FOR THE RECORDS RELATING TO ISSUE OF THE  
IMPUGNED ORDER DATED 6.6.2017 ANN-X-E PASSED BY  
THE R-1 AND PERUSE THE SAME AND ETC.

**IN W. P. NO. 8555 OF 2021**

**BETWEEN**

1. SMT. CHINNAMMA M U  
W/O PAPA VITHRAP.P  
AGED ABOUT 59 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
2. SRI. G. N SURENDRANATH  
S/O LATE D NANJUNDAPPA  
AGED ABOUT 53 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
3. SRI. KUMAR M H  
S/O LATE HANUME GOWDA  
AGED ABOUT 51 YEARS

STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

4. SMT. JALAJAMANI K G  
W/O RAMAMURTHY  
AGED ABOUT 54 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
5. SMT. DHANALAKSHMI K  
D/O LATE P. KESHAV  
AGED ABOUT 53 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
6. SRI SANNARAJU K L  
S/O LATE LINGEGOWDA  
AGED ABOUT 56 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
7. SRI KRISHNA G C  
S/ O LATE CHIKKAHYDE GOWDA  
AGED ABOUT 49 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS

MANDYA-571401.

8. SMT. ANUSUYAMMA M B  
W/ O RAMESH D N  
AGED ABOUT 47 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
9. SMT. PUNYAVATHI  
D/O THIBBEGOWDA  
AGED ABOUT 46 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
10. SMT. NAGARATHANA N R  
D/O LATE RANGAPPA  
AGED ABOUT 43 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
11. SMT. JAI BHARATHI  
D/O CHUNCHEGOWDA  
AGED ABOUT 41 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
12. SRI. NAVEEN KUMAR S.D  
S/O DASAPPA

AGED ABOUT 34 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

13. SMT MYTHRI V S  
D/O LATE SRINIVASMURTHY  
AGED ABOUT 38 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

14. SMT. REKHA H S  
W/O BASAVARJU A N  
AGED ABOUT 35 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

15. SMT MANJULA H B  
W/O THAMMANNA M K  
AGED ABOUT 38 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

16. SMT POORNIMA H R  
W/O SATHISH M  
AGED ABOUT 40 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)

DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

17. SMT. PADMA V  
W/O RAGHAVENDRA M C  
AGED ABOUT 43 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
18. SRI BHASKAR C V  
S/O VENKATARAJA C M  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
19. SMT. K. POORNIMA  
W/O K GNANA MURTHY  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
20. SRI SARPARAJ  
S/O SHIVASWAMY  
AGED ABOUT 45 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
21. SRI RAGHU T  
S/O THIMMAIAH S

AGED ABOUT 40 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

22. SMT. VEENAKUMARI K  
W/O LINGARAJU  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
23. SMT VEDA K B  
W/O CHETHAN J V  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
24. SMT MANJULA K S  
W/O DEVARAJU T D  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
25. SRI JAGANNATHA H S  
S/O SHANKAR SHETTY  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)

DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

26. SMT ASHA SB  
W/O VISHWANATH TM  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
27. SMT. TULASIMANI G T  
W/O ANANTHA N P  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
28. SRI UMESH S K  
S/O LATE KUMARASWAMI  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
29. SMT. ROSE MARY T.F  
W/O D S.ANTHONY  
AGED ABOUT 44 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.
30. SMT. PRABHUKUMARASWAMY C K  
S/ O CHANDRASHEKHARAI AH  
AGED ABOUT 36 YEARS



STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

31. SMT. THARA M  
W/O NAGARAJU B  
AGED ABOUT 37 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

32. SMT. GRACY N M  
W/O JOHNSON K V  
AGED ABOUT 39 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

33. SMT. MAMATHA N S  
D/O SHIVARAJU  
AGED ABOUT 35 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401.

...PETITIONERS

(BY SRI. VIJAYA KUMAR, ADVOCATE)

**AND**

1. THE STATE OF KARNATAKA  
REP BY ITS ADDITIONAL CHIEF SECRETARY  
HEALTH AND FAMILY WELFARE  
DEPARTMENT VIKAS SOUDHA  
BANGALORE-560001.

2. STATE OF KARNATAKA  
REP BY ITS PRINCIPAL SECRETARY  
MEDICAL EDUCATION DEPARTMENT  
VIKAS SOUDHA, BANGALORE-560001.
3. THE COMMISSIONER  
HEALTH AND FAMILY WELFARE  
DEPARTMENT, ANAND RAO CIRCLE  
BANGALORE-560009
4. THE DIRECTOR  
MEDICAL EDUCATION DEPARTMENT  
ANAND RAO CIRCLE  
BANGALORE-560009.
5. THE DEAN AND DIRECTOR  
MANDYA INSTITUTE OF MEDICAL SCIENCES  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571401

...RESPONDENTS

(BY SRI. D.C. PARAMESHWARAI AH, HCGP FOR R1 TO R4;  
SMT. SUMANA M BALIGA, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 TO CREATE THE REQUIRED VACATIONS IN THE HIGHER CADRES OF NURSING STAFF DEPARTMENT OF THE R-5 INSTITUTION AND CONSIDER THE REPRESENTATION DTD.16.07.2019 VIDE ANNEXURE-G WITHIN THE TIME FRAME SPECIFIED BY THIS HONBLE COURT AND ETC.

THESE WRIT PETITIONS COMING ON FOR HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**COMMON ORDER**

**R.DEVDAS J., (ORAL):**

There are three writ petitions raising common issue and therefore, these writ petitions are clubbed, heard and disposed of by this common order.

2. The petitioners in W.P.No.6001/2020 and W.P.No.8855/2021 are the Staff Nurses working in the Mandya Institute of Medical Sciences (for short, 'MIMS'). The petitioners in W.P.No.5964/2020 are also Staff Nurses, but working in the Bangalore Medical College and Research Institute (for short, 'BMCRI'). However, the grievance in common of all the petitioners is that although by relevant Government Orders issued way back in the years 2006 and 2007, the Government of Karnataka ordered the transfer of the District Hospitals from the Department of Health and Family Welfare to the Medical Colleges including Mandya and by a separate Government Order, transfer of the Victoria Hospital,

Vanivilas Hospital, Minto Hospital and Bowring Hospital to the BMCRI and which was further bifurcated and part of it attached to the Bowring Hospital thereafter became an autonomous institution, nevertheless, by two separate impugned Government Orders dated 06.06.2017 (in W.P.Nos.6001/2020 and 8855/2021) and 06.06.2017 (in W.P.No.5964/2020, pertain to BMCRI) sought to provide promotion to the Staff Nurses working in the Department of Health and Family Welfare in the MIMS and BMCRI. Obviously, the grievance of the petitioners is that if the impugned orders are given effect to, the petitioners will lose all further promotional avenues as the same will be filled up with the Staff Nurses of the Department of Health and Family Welfare.

3. Learned Counsel Sri. Vijay Kumar V.B., appearing for the petitioners in respect of the matters pertaining to MIMS submits that in terms of the Government Order dated 11.06.2007, the

Government of Karnataka ordered transfer of the District Hospitals from the Department of Health and Family Welfare to the Medical Colleges at Mandya, Hassan, Belgaum, Shimoga, Raichur and Bidar and brought them under the control of the Department of Medical Education with immediate effect along with transfer of all the infrastructures, buildings & equipments, staff, budget etc. It was also made clear in the Government Order that from the date of the Government Order, all the District Hospitals mentioned therein shall be called as teaching hospitals under the academic, administrative and disciplinary control of the Director/Dean/Principal of the respective Medical Colleges. Further, it is pointed out from the Rules And Regulations-2013 pertaining to MIMS and more particularly, Clause 17, where it is provided that the absorption of the regular teaching and non-teaching staff on deputation from Government and shall be regulated as per the rules framed by the

Government. Learned Counsel submits that when once the staff working in the District Hospitals which were earlier in the Department of Health and Family Welfare stood transferred under the Government Order dated 11.06.2007 to the Department of Medical Education, the State Government, is precluded from promoting the Staff Nurses working in the Department of Health and Family Welfare to the Medical Colleges such as MIMS and BMCRI. The learned Counsel submits while pointing out to paragraph No.13 of the statement of objections filed at the hands of the respondent-State Government that the State Government admits that the MIMS is under the control of the Department of Medical Education. It is also admitted that the Department of Medical Education and Department of Health and Family Welfare are two separate and distinct entities. That being the position, it is impermissible for the State Government to transfer or promote the Staff Nurses working in the

Department of Health and Family Welfare into the Medical Colleges which are under the control of Department of Medical Education.

4. Learned Counsel would also submit having regard to the prayer made in W.P.No.8855/2021, where a writ of mandamus or direction is sought to the Principal Secretary, Medical Education Department to create the required vacancies in the higher cadre of Nursing Staff in MIMS and to consider the representation dated 16.07.2019, at Annexure-G, within a prescribed time frame, that it would suffice if a direction is issued to the State Government, more particularly, Department of Medical Education to consider the representation. However, learned Counsel would also point out to Annexure-R2 filed along with the statement of objections of the State Government that the Additional Chief Secretary, Department of Medical Education has communicated to the Director, MIMS on 20.04.2020 that having

regard to the financial burden or economy measures of the State Government, it would not be possible to permit creation of new posts in the Medical Colleges.

5. Learned Counsel Sri M.R.Shailendra, appearing for the petitioners in W.P.No.5964/2020 pertaining to BMCRI, submits that although the position of the petitioners and the grievance raised are similar to those of the other petitioners, he points out that insofar as the Staff Nurses and other employees working in Victoria Hospital, Vani Vilas Hospital, Minto Hospital and Bowring Hospital, the Hospitals at Vani Vilas and Victoria Hospitals were attached to the Bangalore Medical College much earlier to the action of the State Government in respect of the other Medical Colleges. To that extent, it is submitted that the petitioners who have been working all along in the Victoria Hospital and Vani Vilas Hospital which was attached to the Bangalore Medical College, have a



longer standing when compared to the petitioners in the connected matters.

6. Learned Additional Advocate General Sri R.Subramanya, appearing for the respondent-State submits that although the Government Orders dated 29.12.2006 and 11.06.2007 were issued by the State Government ordering transfer of the District Hospitals from the Department of Health and Family Welfare to the Department of Medical Education, nevertheless, the lien continued with the Department of Health and Family Welfare. Even as on this day, the lien of all the posts which were created prior to the issuance of the two Government Orders, continues with the Department of Health and Family Welfare. It is submitted that the petitioners have been appointed to the Medical Colleges and they cannot claim to be Government servants/civil servants appointed to the posts created in the Department of Health and Family Welfare. It is therefore submitted that since the lien

continues with the Department of Health and Family Welfare, the State Government has thought it fit to promote or transfer the present Staff Nurses working in the Department of Health and Family Welfare to the posts available in the Medical Colleges, including MIMS and BMCRI. Moreover, it is submitted that in terms of Clause 17, which was pointed out by the learned Counsel for the petitioners, the Government is required to frame Rules for the regulation and absorption of the regular teaching and non-teaching staff. Admittedly, no such rules for absorption or Cadre and Recruitment rules are framed in respect of the two Institutions which are the subject matter of these writ petitions. It is therefore submitted by the learned AAG that since the lien of all the posts which were earlier created in the Department of Health and Family Welfare continued to be so, the Government is competent to transfer/promote the Staff Nurses working in the Department of Health and Family

Welfare to the Medical Colleges including MIMS and BMCRI.

7. Learned AAG further submits that since the petitioners in W.P.No.8855/2021 are seeking a direction from this Court to the State Government to create posts and formulate the Cadre and Recruitment Rules, it is a well settled position of law that in such matters of policy, no directions can be issued by this Court. It is submitted that Courts are not permitted to legislate or issue a direction to legislate in a particular manner.

8. Sri.P.S.Malipatii, learned Counsel appearing for the BMCRI and Smt.Sumana M.Baliga, learned Counsel appearing for the respondent-MIMS submit that the Institution is a Hospital attached to the MIMS and BMCRI, as required under the Regulations of the Medical Council of India. It is submitted that the financial and administrative control of the Institution is in the hands of the Department of Medical Education

and unless the Government permits framing of the Cadre and Recruitment Rules with necessary sanction of the Finance Department, nothing can be done by the Institutions. The learned Counsels would support the submissions of the learned AAG in the matter of continuance of the lien in the Department of Health and Family Welfare.

9. Learned Counsel Sri M.P.Srikanth appearing for some of the private respondents who are the Staff Nurses working in the Department of Health and Family Welfare supports the contention of the learned AAG.

10. Heard the learned Counsels and perused the petition papers.

11. What is evident from the Government Order dated 11.06.2007 is that earlier when Government Order dated 29.12.2006 was issued transferring only the teaching staff from the control of the Department of Health and Family Welfare to the Department of the

Medical Education, the Medical Council of India raised objections and stated that it does not meet the requirements of the MCI regulations. Consequently, the Government of Karnataka proceeded to issue Government Order dated 11.06.2007 clearly transferring the District Hospitals along with the infrastructure, buildings, equipments, the budget and the staff already working in the District Hospitals to the Department of Medical Education. It was also clearly stated that henceforth, all such District Hospitals which were stated in the Government Order shall be called as teaching Hospitals under the academic, administrative and disciplinary control of the Director/Dean/Principal of the respective Medical Colleges.

12. What was further required was to formulate the Rules to implement the Government Order including the provision for absorption as contained in Clause 17 of the Rules and Regulations-2013. On the

other hand, the State Government now seeks to contend that although it was directed that all the staff till then working in the Medical Colleges stand transferred from the Department of Health and Family Welfare to the Department of Medical Education, nevertheless, the lien continues with the Department of Health and Family Welfare. This clearly is trying to blow hot and cold. The Government Orders cannot be treated as mere tools for meeting the requirements of the MCI regulations. Reliance was sought to be placed by the learned AAG on a communication subsequently said to have been made by the Medical Council of India stating that there was no need to permanently transfer the staff and infrastructure from the Department of Health and Family Welfare to the Department of Medical Education.

13. The submission of the learned AAG to the effect that the petitioners cannot claim to be Government servants/civil servants, since some of

them were subsequently recruited directly by the Medical Colleges, to some extent may be correct, but the grievance of the petitioners is directed towards the impugned Government Orders/actions on the part of the State Government commencing from the year 2017 in trying to transfer/promote the existing Staff Nurses from the Department of Health and Family Welfare into the Medical Colleges viz., MIMS and BMCRI.

14. The grievance of the petitioners is well-founded. If the State Government is permitted to act with impunity in respect of its own Government orders, then this Court has to step in and hold that such action is illegal and without authority of law. If such action is permitted, it would not only be contrary to the Government Order dated 11.06.2007, but also hoodwinking the petitioners, some of them who were earlier working in the Department of Health and Family Welfare and thereafter stood transferred by

virtue of the Government orders to the Medical Colleges. Further, if some of the petitioners have been directly recruited to the Medical Colleges, they may not become Government servants/ civil servants, nevertheless, their grievance is against the action of the State Government in trying to bring in the Staff Nurses from the Department of Health and Family Welfare and place them above the petitioners and thereby closing all avenues of promotion to the petitioners. The contention as to whether some of the petitioners are Government servants or not is not considered in this writ petition. Such question is left open to be decided in an appropriate case.

15. Having regard to all the above aspects, this Court is of the considered opinion that the action of the State Government in trying to transfer/promote the present Staff Nurses from the Department of Health and Family Welfare into the Medical Colleges, more particularly, MIMS and BMCRI is impermissible.



16. Consequently, this Court proceeds to pass the following:

**ORDER**

1. The writ petitions are ***allowed in part.***
2. The respondent-State Government is hereby directed not to transfer/promote any of the existing Staff Nurses or any other staff from the Department of Health and Family Welfare to the Medical Colleges viz., MIMS and BMCRI.
3. The State Government, Department of Medical Education, is hereby directed to consider the representation dated 16.07.2019 given by the petitioners in the matter of creation of the required vacancies in the higher cadres of nursing staff and to consider the request of the petitioners for promotion to the higher posts of senior nursing Officers and pass necessary orders as expeditiously as possible and at any rate within a period of three months from the

date of receipt of a certified copy of this order.

4. The impugned order No.Aa Ku Ka 293 CGM 2016 (Bha-1) dated 06.06.2017 is hereby quashed and set aside to the extent of the State Government trying to transfer/promote the staff of the Department of Health and Family Welfare to the Medical Colleges MIMS and BMCRI.

5. In the meanwhile, if some of the private respondents are already transferred to the Medical Colleges at MIMS and BMCRI, necessary orders shall be passed by the State Government to recall such transfers and post such respondents back in the Department of Health and Family Welfare.

Ordered accordingly.

Pending I.As, if any, stand disposed of accordingly.

**Sd/-  
JUDGE**

DL/JT

Annexure - 2

1

W.P.No.200333/2022  
& Connected matters

IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH

DATED THIS THE 3<sup>RD</sup> DAY OF JUNE, 2022

**BEFORE**

THE HON'BLE MR. JUSTICE S. VISHWAJITH SHETTY

**WRIT PETITION No.200333/2022 (S-RES)**

**C/W**

**WRIT PETITION NO.201032/2022 &**  
**WRIT PETITION NO.201034/2022 (S-PRO)**

**W.P.NO.200333/2022**

BETWEEN

1. SARASWATHI D/O SUBRAMANI,  
AGE. 36 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR-584102
2. JAYAKRISHNA S/O KRISHNAMURTHY  
AGE. 37 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O PLOT NO. 1/12/137,  
FLAT NO. D4, BHAGAVATHI SHELTERS,  
PCB COLONY, NEAR CITY INSTITUTE,  
RAICHUR-584101
3. RITA D/O NARASAPPA  
AGE. 37 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 1-11-1128/54,  
RAMANJINAYYA COLONY,  
NEAR METHODIST CHURCH,  
RAICHUR-584101.

- 4 . NEELAGANGA W/O PRAKASH  
AGE. 38 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O GOMATHA NILAYA, H.NO. 13-2-7/21  
NEAR SLN ENGINEERING COLLEGE,  
YARMARAS CAMP, RAICHUR 584102
- 5 . SOMASHEKHARA S/O CHANNAPPA  
AGE. 37 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 15, "C" BLOCK STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102
6. BASAVARAJ SABARAD S/O MANOHAR SABARAD  
AGE 40 YEARS,  
OCC STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 27, "C" BLOCK, STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102.
- 7 . SANTOSHKUMAR CHAVAN  
S/O CHANDRASHEKHAR CHAVAN,  
AGE 36 YEARS,  
OCC STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 26, "D" BLOCK STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102
- 8 . ANURADHA W/O DEEPAK  
AGE. 37 YEARS,  
OCC STAFF NURSE/NURSING OFFICER,  
R/O PARAS PARK ADJACENT TO K.R.NAGAR  
NEAR ALLAMPURABHU CLONY  
RAICHUR 584102
- 9 . KAVITHA D/O DANASHEGARAN  
AGE 39 YEARS,  
OCC STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 14 "C", BLOCK STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR-584102.

10. SUBBARATHNAMMA W/O B.RAJASHEKAR  
AGE 48 YEARS,  
OCC STAFF NURSE/NURSING OFFICER,  
R/O H.NO. 14," D" BLOCK STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102.
11. SARITA W/O BASAVANTH JHON JOBRAJ  
AGE. 40 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO.9, "C" BLOCK, STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102.
12. SHARAD TANAJI KANASE S/O TANAJI  
AGE. 45 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO.30, "C" BLOCK, STAFF QUARTERS,  
RIMS CAMPUS, HYDERABAD ROAD,  
RAICHUR 584102

...PETITIONERS

(BY SRI CHAITANYAKUMAR CHANDRIKI, ADVOCATE)

AND

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
TO THE DEPARTMENT OF MEDICAL EDUCATION,  
VIKAS SOUDHA, BENGALURU-560 001
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY TO  
THE DEPARTMENT OF HEALTH AND  
FAMILY WELFARE SERVICES,  
M.S BUILDING, BENGALURU-560001
3. THE DIRECTOR OF  
HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT,  
ANAND RAO CIRCLE,  
BENGALURU-560001

4. THE DIRECTOR OF  
MEDICAL EDUCATION,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
5. THE DIRECTOR,  
THE RAICHUR INSTITUTE OF MEDICAL  
SCIENCES, (RIMS), RAICHUR,  
DIST. RAICHUR-584101.
6. THE CHIEF EXECUTIVE OFFICER,  
THE RAICHUR INSTITUTE OF MEDICAL  
SCIENCES, (RIMS), RAICHUR  
DIST: RAICHUR-584101.

...RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R1 TO R4;  
BY SRI. SACHIN M. MAHAJAN, ADVOCATE FOR R5)

THIS WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER BEARING NO.ಆಸುಕ/293/ಸಿ.ಜ.ಎಂ.2016 (ಭಾ-1) ಬೆಂಗಳೂರು DATED 06.06.2017 ISSUED BY THE 2<sup>ND</sup> RESPONDENT, VIDE ANNEXURE - D, CIRCULAR NO. ವೈಶಿ/ಸಿಬ್ಬಂದಿ/196/2019-20 DATED 12.02.2020 ISSUED BY THE 4<sup>TH</sup> RESPONDENT VIDE ANNEXURE - K AND CIRCULAR NO. ಎನ್.ಆರ್.ಎಸ್.(2)/396/2019-20 DATED 19.02.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE - L AND CIRCULAR NO. ಎನ್.ಆರ್.ಎಸ್(2)/396/2019-20 DATED 12.08.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-M IN SO FAR AS IT RELATES TO GRANTING POWER TO THE 1<sup>ST</sup> RESPONDENT TO FILL UP THE VACANCIES AVAILABLE IN THE 5<sup>TH</sup> RESPONDENT INSTITUTION AND SET ASIDE THE SAME ETC.

**W.P.NO.201032/2022****BETWEEN**

1. SHRIPAD S/O BASAWANT VIBHUTI,  
AGE. 36 YEARS,  
OCC. STAFF NURSE / NURSING OFFICER,  
R/O H.NO-EWS-2, SEDAM ROAD,  
NEAR HANUMAN TEMPLE,  
GUBBI COLONY, KALABURAGI-585105.
2. ASHOK KUMAR S/O SANJEEVAPPA,  
AGE. 35 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O DEVNOOR, TQ. SEDAM,  
DIST. KALABURAGI-585318.
3. KHAJA KHADIRODDIN  
S/O KHAJA BAHAODDIN,  
AGE. 36 YEARS,  
OCC. STAFF NURSE / NURSING OFFICER,  
R/O PATEL COLONY,  
CHANDAPUR, TQ. CHINCHOLLI,  
KALABURAGI-585305.
4. SUNIL KUMAR S/O HONNAPPA ANGADI,  
AGE. 38 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O AT POST.HOSUR,  
TQ. SHAHAPUR,  
DIST. YADGIRI-585287..
5. DIVYA E. D/O ERANNA,  
AGE. 29 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO.11-881,  
M.S.K. MILL ROAD,  
NEAR WATER TANK, BASAVA NAGAR,  
KALABURAGI-585103.

6. MEENA H. KORE  
D/O HANMANATH RAO,  
AGE. 36 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O PLOT NO.7, 1<sup>ST</sup> CROSS,  
RAJAPUR RAOD, PAVAN GANGA COLONY,  
OPP. KOSGI KALYAN MANTAP,  
KALABURAGI-585105.
7. POORNIMA VIBHUTI  
D/O BASAWANT VIBHUTI,  
AGE 31 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O EWS NO.2, SEDAM ROAD,  
GUBBI COLONY,  
NEAR BASAVESHWAR HOSPITAL,  
KALABURAGI-585105.
8. SIDDARTHA S/O YALLAPPA,  
AGE. 30 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O NO.2-55, WACHA, TQ. CHITTAPUR,  
DIST. KALABURAGI-585312.
9. MINTHUN KUMAR  
S/O SHIVALINGAPPA,  
AGE. 35 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O # 4/178, MAJID ROAD, TENGLI,  
TQ. KALAGI,  
DIST. KALABURAGI-585305.
10. VEERESH S/O SIDDAYYA,  
AGE. 40 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O PLOT NO.17, SEDAM RAOD,  
NEAR BUDDH VIHAR GATE,  
BANADESHWAR NAGAR,  
KALABURAGI-585106.



11. BHIMANNA HOKRANI  
S/O BASAPPA HOKRANI,  
AGE. 34 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER  
R/O @ LIG-113, KHB COLONY,  
TQ. MUDDDEBHIHAL,  
DIST. VIJAYAPUR-586212.
12. TULJARAM S/O ARJUN,  
AGE. 32 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O AT POST SONTI, TQ. KAMALAPUR,  
DIST. KALABURAGI-585313.
13. SANKET S/O DILIPKUMAR,  
AGE. 35 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O QUARTER NO.D-6/G-2,  
HASANAPUR CAMP, RANGAMPETH,  
TQ. SHORAPUR, DIST. YADGIR-585220.
14. SALOMI D/O JACOB,  
AGE. 30 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O WARD NO.8 SINDHANUR ROAD,  
NEAR SWAMY VIVEKANANDA SCHOOL,  
INDRA NAGAR BHAGA-2,  
TQ. MANVI, DIST. RAICHUR-584123.
15. JAYASHRI D/O ARJUN ITAGI,  
AGE. 36 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O PLOT NO. 47,  
HUMNABAD RAOD,  
REVANSIDDESHWAR COLONY, KAPNOOR,  
TQ. AND DIST. KALABURAGI-585104.
16. SHANTAKUMARI  
W/O AMARE NAGINDRAPPA,  
AGE. 34 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO.F-23, SEDAM RAOD,  
UNIVERSITY CAMPUS,  
KALABURAGI-585106.

17. SHEELA D/O SAIBANNA,  
AGE. 40 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O H.NO-E/2-586, SEDAM RAOD,  
OPP. GOVT. HOSPITAL,  
SUNDAR NAGAR,  
KALABURAGI-585105.
18. RAJASHEKHAR BHAJANTRI S/O KASAPPA,  
AGE. 34 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O HATTA HALLI,  
TQ. INDI, DIST. VIJAYAPUR-586205.
19. ROOPA W/O SHIVANAND JANE,  
AGE. 35 YEARS,  
OCC. STAFF NURSE/NURSING OFFICER,  
R/O JWD-129, JAWALI-D,  
TQ. ALAND,  
DIST. KALABURAGI-585213.

...PETITIONERS

(BY SRI.CHAITANYAKUMAR CHANDRIKI, ADVOCATE)

AND

1. THE STATE OF KARNATAKA AND ORS  
REPRESENTED BY ITS  
SECRETARY TO THE DEPARTMENT OF  
MEDICAL EDUCATION,  
VIKAS SOUDHA, BENGALURU-560001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
SECRETARY TO THE DEPARTMENT OF  
HEALTH AND FAMILY WELFARE SERVICES,  
M.S. BUILDING,  
BENGALURU-560001.

3. THE DIRECTOR /  
THE CHIEF ADMINISTRATIVE OFFICER  
OF HEALTH AND FAMILY WELFARE,  
SERVICE DEPARTMENT,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
4. THE DIRECTOR  
OF MEDICAL EDUCATION,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
5. THE DIRECTOR,  
THE GULBARGA INSTITUTE OF  
MEDICAL SCIENCES (GIMS),  
KALABURAGI,  
DIST. KALABURAGI-585105.

.....RESPONDENTS

(BY SRI.VEERANAGOUDA MALIPATIL, HCGP FOR 1 TO R4;  
BY SRI. SACHIN M.MAHAJAN, ADVOCATE FOR R5)

THIS WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER BEARING NO.ಅಚುಕ/293/ಸಿ.ಜ.ಎಂ.2016 (ಭಾ-1) ಬೆಂಗಳೂರು DATED 06.06.2017 ISSUED BY THE 2<sup>ND</sup> RESPONDENT, VIDE ANNEXURE - D, CIRCULAR NO. ವೈಶಿ/ಸಿಬ್ಬಂದಿ/196/2019-20 DATED 12.02.2020 ISSUED BY THE 4<sup>TH</sup> RESPONDENT VIDE ANNEXURE - J AND CIRCULAR NO. ಎನ್.ಆರ್.ಎಸ್.(2)/396/2019-20 DATED 19.02.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-K AND CIRCULAR NO. ಎನ್.ಆರ್.ಎಸ್(2)/396/2019-20 DATED 12.08.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-L IN SO FAR AS IT RELATES TO GRANTING POWER TO THE 1<sup>ST</sup> RESPONDENT TO FILL UP THE VACANCIES AVAILABLE IN THE 5<sup>TH</sup> RESPONDENT INSTITUTION AND SET ASIDE THE SAME ETC.

**W.P.201034/2022****BETWEEN**

BASAVANTHA JOHN JOB RAJ,  
AGE. 39 YEARS,  
OCC. LAB TECHNICIAN,  
R/O # 2/23, BLOCK-1,  
NEAR GOVERNMENT SCHOOL,  
RAMPUR, RAICHUR-584102.

...PETITIONER

(BY SRI.CHAITANYAKUMAR CHANDRIKI, ADVOCATE)

**AND**

1. THE STATE OF KARNATAKA AND ORS  
REPRESENTED BY ITS  
SECRETARY TO THE DEPARTMENT OF  
MEDICAL EDUCATION,  
VIKAS SOUDHA, BENGALURU-560001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
SECRETARY TO THE DEPARTMENT OF  
HEALTH AND FAMILY WELFARE SERVICES,  
M.S. BUILDING, BENGALURU-560001.
3. THE DIRECTOR /  
THE CHIEF ADMINISTRATIVE OFFICER OF  
HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
4. THE DIRECTOR OF  
MEDICAL EDUCATION,  
ANAND RAO CIRCLE, BENGALURU-560001.
5. THE DIRECTOR  
THE RAICHUR INSTITUTE OF  
MEDICAL SCIENCES, (RIMS),  
RAICHUR, DIST. RAICHUR-584101.

.....RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R1 TO R4;  
BY SRI. SACHIN M.MAHAJAN, ADVOCATE FOR R5)

THIS WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE IMPUGNED ORDER BEARING NO.ಅಕುಕ/293/ಸಿ.ಜಿ.ಎಂ.2016 (ಭಾ-1) ಬೆಂಗಳೂರು DATED 06.06.2017 ISSUED BY THE 2<sup>ND</sup> RESPONDENT, VIDE ANNEXURE-C, CIRCULAR NO.ವೈಶಿ/ಸಿಬ್ಬಂದಿ/136/2019-20 DATED 12.02.2020 ISSUED BY THE 4<sup>TH</sup> RESPONDENT VIDE ANNEXURE-H AND CIRCULAR NO.ಎನ್.ಆರ್.ಎಸ್.(2)/396/2019-20 DATED 19.02.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-J AND CIRCULAR NO.ಎನ್.ಆರ್.ಎಸ್.(2)/396/2019-20 DATED 12.08.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-K IN SO FAR AS IT RELATES TO GRANTING POWER TO THE 1<sup>ST</sup> RESPONDENT TO FILL UP THE VACANCIES AVAILABLE IN THE 5<sup>TH</sup> RESPONDENT INSTITUTION AND SET ASIDE THE SAME ETC.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

Heard the learned counsel for the petitioners and the learned counsel for contesting respondent No.5.

2. The learned counsel for the petitioners at the outset submits that the petitioners are not pressing prayer Nos.2 and 3 and insofar as other prayers are concerned, they are covered by the judgment passed by a coordinate Bench of this Court at Bengaluru in W.P.No.6001/2020 and connected matters disposed of

on 19.04.2022, wherein, this Court has allowed the writ petitions in part and directed the State Government not to transfer/promote any of the existing Staff Nurses or any other staff from the Department of Health and Family Welfare to the Medical Colleges and the State Government has been further directed to consider the representation given by the writ petitioners in the said writ petitions for promotion to the higher posts of senior nursing officers and pass necessary orders as expeditiously as possible at any rate within a period of three months. Consequently, the impugned order in the said writ petitions have been quashed to the extent they relates to the transfer/promote any of the existing Staff Nurses or any other staff from the Department of Health and Family Welfare to the Medical Colleges and was also held that in the cases where already transfers were effected, the State Government to recall such transfers in the department of Health and Family Welfare.

3. Learned counsel appearing for the contesting respondent No.5 does not dispute the submission made by the learned counsel for the petitioners.

4. Under the circumstances, I am of the considered view that even these writ petitions can be disposed of in terms of the order passed by the coordinate Bench of this Court at Bengaluru in W.P.No.6001/2020 and connected matters. Accordingly, following:

ORDER

The writ petitions are disposed of in terms of the order passed by the coordinate Bench of this Court at Bengalur in W.P.No.6001/2020 and connected matters disposed of on 19.04.2022.

**Sd/-  
JUDGE**

Srt



WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 17<sup>TH</sup> DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGUDAR

WRIT PETITION NO. 147659 OF 2020 (S-PRO)

C/W

WRIT PETITION NO. 147502 OF 2020

WRIT PETITION NO. 147606 OF 2020

WRIT PETITION NO. 147778 OF 2020

IN WP NO.147659/2020

BETWEEN:

1. SHRI.SHIVANAND H. HAONAKERI  
AGE: 36 YEARS, OCC: NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI, R/O: HOUSE NO.49,  
1<sup>ST</sup> MAIN ROAD, SHIRUR PARK,  
VIDYA NAGAR, HUBBALLI-580031,  
DHARWAD DISTRICT.
2. SHRI.BASAVARAJ POOJARI  
AGE: 37 YEARS, OCC: NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI, R/O: H.NO.2,  
BLOCK NO.2, CLASS "C" QUARTERS,  
OPP: PAI HOTEL, VIDYA NAGAR,  
HUBBALLI-580022, DIST: DHARWAD.
3. SHRI.BASAVARAJ S/O HOLIBASAPPA  
AGE: 38 YEARS, OCC: NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI, R/O: BASAVARAJ H.,  
M.N. QUARTERS, OPP: HANUMANT TEMPLE,  
KIMS CAMPUS, VIDYA NAGAR,  
HUBBALLI-580021, DHARWAD DISTRICT.
4. SHRI.SHREEKANT  
S/O CHANNAPPA YAKKUNDI  
AGE: 36 YEARS, OCC: NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI,





WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

R/O: S/O CHANNAPPA YAKKUNDI,  
LIG 308, 11<sup>TH</sup> CROSS,  
NAVANAGAR, HUBBALLI-580025,  
DHARWAD DISTRICT.

5. SMT.SHAILAJA NAIK  
AGE: 36 YEARS, OCC: STAFF NURSE,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI, R/O: H.NO.16/16,  
3RD BLOCK, KIMS QUARTERS,  
HUBBALLI-580021,  
DHARWAD DISTRICT.
6. SHRI.SUNEELKUMAR  
S/O SIDRAMAPPA GAJNAL  
AGE: 43 YEARS, OCC: NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,  
HUBBALLI, R/O: C/O. T.G. SHET,  
2ND CROSS, OLD INCOME TAX OFFICE ROAD,  
VIDYA NAGAR, HUBBALLI-580021,  
DHARWAD DISTRICT.

...PETITIONERS

(BY SRI. A S PATIL & SRI. SABEEL AHMAD, ADVOCATES)

AND:

1. The State of Karnataka  
Represented by its Secretary to the  
Department of Medical Education  
Vikas Soudha,  
Bengaluru-560001
2. The State of Karnataka,  
Represented by its Secretary to the  
Department of Health and Family Welfare Services,  
M.S. Building, Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001.
3. The Director  
of Health and Family Welfare  
Services Department, Anand Rao Circle,  
Bengaluru-560001



WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

4. The Director  
of Medical Education,  
Anand Rao Circle,  
Bengaluru-560001
5. The Karnataka Institute of Medical Sciences,  
(KIMS), Hubballi,580024  
Dist: Dharwad  
Represented by its Director,
6. The Chief Administrative Officer,  
Health and Family Welfare  
Services Department, Anand Rao Circle,  
Bengaluru-560001.
7. Leela W/o. Ashok Muniyappanavar,  
Age: 56 years, Occ:  
R/o. # 6, KIMS Quarters, Vidyanagar,  
Hubballi-580023  
Tq: Hubballi, Dist: Dharwad.
8. Annapurna D/o. Gudappa Ghantisiddappanvar,  
Age: 50 years. Occ: Principa! at Nursin College KIMS,  
R/o. # 34/1, KIMS Quarters, Near Maruti Mandir,  
Hubballi-580021.  
Tq: Hubballi, Dist: Dharwad.
9. Hanumanthappa S/o. Basavaraj Ramadurg,  
Age: 50 years, Occ:  
R/o. # 15, KIMS Quarters, Vidyanagar,  
Hubballi-580024  
Tq: Hubballi, Dist: Dharwad
10. Pushapalata W/o. Gangappa Sandimani,  
Age: 55 years, Occ:  
R/o. # 89/b, Gokul Road,  
Akshay Park, Priyadarshini Colony,  
Navalli Plot, Hubballi-580030,  
Tq: Hubballi, Dist: Dharwad.
11. Raveesh S/o. Umapathi Kumar,  
Age: 50 years, Occ:  
R/o. # 16, 4<sup>th</sup> Block,  
KIMS Quarters, Vidyanagar,



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- Hubballi-580023,  
Tq: Hubballi, Dist: Dharwad.
12. Hanna Michael Naikar,  
Age: 56 years, Occ: Staff Nurse,  
R/o. # 12/A, Arvindnagar,  
Karwar Road, Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
  13. S. Rukmini W/o. Prabhakaran,  
Age: 50 years, Occ: Staff Nurse,  
R/o. # 34/1, KIMS Quarters,  
Vidyanagar, Near Maruti Mandir,  
Hubballi-580021,  
Tq: Hubballi, Dist: Dharwad.
  14. Arulmazhi R. W/o. K. Sudhakar,  
Age: 50 years, Occ: Staff Nurse,  
R/o. # Goods Shed Road,  
Hubballi-580020,  
Tq: Hubballi, Dist: Dharwad.
  15. Nelavva D/o. Bhimappa Kagadal,  
Age: 56 years, Occ: Staff Nurse,  
R/o. H. No. 5, Tenginkai Chawl,  
Tippu Nagar, Old Hubballi,  
Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
  16. Sunanda D/o. Basavantappa Halagatti,,  
Age: 53 years, Occ: Staff Nurse,  
R/o. H. No. 25, 2<sup>nd</sup> Floor, Behind Amrut Talkies,  
Vidyanagar, Hubballi-580021,  
Tq: Hubballi, Dist: Dharwad
  17. Kaipana Lingaraj,  
Age: 58 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
  18. Girija Shivanand Jadar,  
Age: 60 years, Occ: Nursing Officer



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Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.

19. Shardha Samuel,  
Age: 58 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
20. Josphinie John Pereir,  
Age: 59 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
21. Jayashree Dasharathi Shireke,  
Age: 50 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
22. Geeta Arjunappa Malwade,  
Age: 56 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
23. Shakuntala R. Ankolekar,  
Age: 60 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
24. K. Vijaykumari,  
Age: 56 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.
25. Therasa S. Audin,  
Age: 57 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.



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of 2020, WP No. 147778 of 2020

26. Sunanda G. REvanakar,  
Age: 59 years, Occ: Nursing Officer  
Karnataka Institute of Medical Sciences,  
R/o. Hubballi-580024,  
Tq: Hubballi, Dist: Dharwad.

...RESPONDENTS

(BY SRI. V.S.KALASURMATH, HCGP FOR R1-R4 and R6  
SRI. SHIVASAI M.PATIL, FOR R7 TO R16  
SRI. MAJUNATH KARIGANNAVAR & SRI. MALLIKARJUNSWAMY  
B.HIREMATH, ADVOCATE FOR R17 TO R26  
SRI. G.B.PATIL, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED OFFICE ORDER DATED 04.12.2017 ISSUED BY THE RESPONDENT NO.5 AS PER ANNEXURE-E IN SO FAR AS THE PETITIONERS NO.1 TO 4 ARE CONCERNED. II) WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED OFFICE ORDER DATED 06.06.2017 ISSUED BY THE RESPONDENT NO.2 AS PER ANNEXURE-G AND THE IMPUGNED CIRCULAR DATED 19.02.2020 ISSUED BY THE RESPONDENT NO.3 AS PER ANNEXURE-K AND THE IMPUGNED CIRCULAR DATED 12.08.2020 ISSUED BY THE RESPONDENT NO.6 AS PER ANNEXURE-N IN SO FAR AS THE PETITIONER ARE CONCERNED. III) WRIT OF MANDAMUS OR ANY OTHER ORDER OR DIRECTION, DIRECTING THE RESPONDENTS TO GIVE THE PROMOTIONS TO THE PETITIONERS FROM THE POST OF STAFF NURSE/NURSING OFFICE TO THE POST OF SENIOR STAFF NURSE/SENIOR NURSING OFFICER AND TO THE NEXT HIGHER CADRES WITH RETROSPECTIVE EFFECT AND WITH ALL CONSEQUENTIAL BENEFITS BY OPERATING THE SENIORITY LIST OF THE CONCERNED CADRE PREPARED AND PUBLISHED BY THE RESPONDENT NO.5.

IN W.P. NO.147502/2020

BETWEEN:

1. SRI.BASAVARAJ S/O SHANKAR HUKKERI  
AGE: 36 YEARS,  
OCC: NURSING STAFF,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI, R/O: WARD NO.3,



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MANIK SHATTI GALLI, MUDHOL,  
DIST: BAGALKOTE-587313.

2. SRI.NAMADEV KALLAPPA MALAGI  
AGE: 35 YEARS,  
OCC: NURSING STAFF,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI,  
R/O: PLOT NO.8,  
SHIVASHATHI COLONY RAMATEERKTHNAGAR,  
BELAGAVI DISTRICT  
BELAGAVI-590016.
3. SRI.PRAKASH DUNDAPPA KODLI  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
4. SRI.SHIVANAND BASAPPA GEJJI  
AGE: 42 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
5. SRI.KIRAN SHIVAPPA NAIK  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
6. SRI.MAJIT HUSSAINSAB HAWALDAR  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
7. SRI.SATEESH G K GULAPPA  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
8. SRI.RAMESH MARUTI JAYANNAVAR



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of 2020, WP No. 147778 of 2020

AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.

9. SRI.SHASHIPAL MALA SHINGE  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
10. SRI.RAMACHANDRA BALABHEEMARAO KULKARNI  
AGE: 41 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
11. SMT.TRUPTI DATTARAM NAIK  
AGE: 38 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
12. SMT.SHILPA BASAV NAIK  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
13. SMT.SHILPA CANAPATHI NAIK  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
14. SMT.RAJASHWARI VISHWANATH BISTANNAVAR  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
15. SMT.RAJASHREE CHANDRAKANT AGASAR  
AGE: 35 YEARS,  
OCC: STAFF NURSE,



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BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.

16. SMT.RENUKA DURGAPPA NAIKAR  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
17. SMT.SAVITA BAPU KADAM  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
18. SMT.MANJULA MALLAPPA NAGRESHT  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
19. SMT.MAMATHA RAMAPPA  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
20. SMT.SUJATA SHIDRAMAPPA KURI  
AGE: 39 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
21. SMT.RESHMA RAMAKRISHNA TAMSE  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
22. SMT.SAVITA RUDRAPPA KARAMALLAVAR  
AGE: 34 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.





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23. SMT.GEETA VALMEEK TALAWAR  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
24. SRI.ASHOKKUMAR HANAMANT GALABHI  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
25. SMT.SHILA BHIMARAO BUDAVI  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
26. SMT.SANGEETHA SHIVALING BAJANTRI  
AGE: 38 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
27. SMT.SEEMA PARESH JADHAV  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
28. SMT.ANNAPURNA MUKUND BORAGAVE  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
29. SRI.RIJWAN MAHABOBSAB HAMSAGAR  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
30. SMT.MALLAWWA IRABASAPPA KADESHANAVAR



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of 2020, WP No. 147778 of 2020

AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.

31. SRI.VINOD HIRMANI KAMBLE  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
32. SMT.KAVITA DURVAS NAIK  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
33. SMT.RENUKA SADASHIVA KAMBLE  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
34. SMT.BHAVANI SHANKAR HARIKANT  
AGE: 35 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
35. SMT.RAJASHREE CHANDRAHAS KALAGUTTAKAR  
AGE: 34 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
36. SMT.PRATIBA ASHOK KAMATE  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
37. SMT.PRABHAVATHI SHIKANT ANGADI  
AGE: 35 YEARS,  
OCC: STAFF NURSE,



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BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.

38. SMT.PRABHAVATHI BHASKAR HIREMANI  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
39. SRI.VITTAL P BADAGI  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
40. SMT.CHANDRAKALA BASAPPA BIRADAR  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.
41. SRI.NINGAPPA S SANKAL  
AGE: 36 YEARS,  
OCC: STAFF NURSE,  
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
BELAGAVI-590001.

...PETITIONERS

(BY SRI. H M DHARIGOND, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
TO THE DEPARTMENT OF  
MEDICAL EDUCATION,  
VIKAS SOUDHA,  
BENGALURU-560001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
TO THE DEPARTMENT OF  
HEALTH AND FAMILY WELFARE SERVICES,  
M.S. BUILDING,  
DR.B.R. AMBEDKAR VEEDHI,



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BENGALURU-560001.

3. THE DIRECTOR  
OF HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
4. THE DIRECTOR  
OF MEDICAL EDUCATION,  
ANAND RAO CIRCLE,  
BENGALURU-560001.
5. THE DIRECTOR  
THE BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
(BIMS), BELAGAVI,  
DIST: BELAGAVI-590001.
6. THE CHIEF EXECUTIVE OFFICER  
THE BELAGAVI INSTITUTE OF MEDICAL SCIENCES,  
(BIMS), BELAGAVI,  
DIST: BELAGAVI-590001.
7. CHANDRALAEKHA H.KULKARNI,  
AGE: 59 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
8. VINITA B.RUBDY,  
AGE: 60 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
9. KAMALA D TAPTE,  
AGE: 59 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
10. ANASUYA SHANKAR MYAGOTI,  
AGE: 58 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE



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of 2020, WP No. 147778 of 2020

OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.

11. ANASUYA S.MATHAPATI,  
AGE: 58 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
12. VAIJAYANTHIMALA J.KULKARNI,  
AGE: 59 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
13. GLADIS L.KASTURI,  
AGE: 54 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
14. RADHA R RAJPUT,  
AGE: 52 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
15. CHANDBI GOUS KAKAR,  
AGE: 52 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
16. MEGHA KAMBLE,  
AGE: 53 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.
17. ANJANA V MULE,  
AGE: 53 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.



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of 2020, WP No. 147778 of 2020

18. SAVITRI DESHAPNDE,  
AGE: 59 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.

19. P. REVANAMMA,  
AGE: 57 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.

20. SUJAH JAMES BATHULA,  
AGE: 59 YEARS, OCC: NURSING OFFICER,  
PRESENTLY WORKING IN BELAGAVI INSTITUTE  
OF MEDICAL SCIENCES HOSPITAL,  
BELAGAVI-590001.

...RESPONDENTS.

(BY SRI. V.S.KALASURMATH, HCGP FOR R1 TO R4  
SRI. K.S.PATIL, ADVOCATE FOR R5 & R6  
SRI. MANJUNATH KARIGANNANAVAR, ADVOCATE FOR R7 TO R20)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS RELATING TO ISSUE OF THE IMPUGNED ORDER BEARING No.Aa.Ku.Ka.293CGM 206 (Bha-1) Bengaluru dated 06.06.2017 ISSUED BY THE 1<sup>ST</sup> RESPONDENT VIDE ANNEXURE-J AND CIRCULAR NO.NRS(2)/396/19-20 DATED 19.02.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-S INsofar AS IT RELATES TO GRANTING POWER TO THE 1<sup>ST</sup> RESPONDENT TO FILL UP THE VACANCIES AVAILABLE IN THE 5<sup>TH</sup> RESPONDENT INSTITUTION AND SET ASIDE THE SAME. AND ETC.

IN W.P. NO.147606/2020

BETWEEN

1. MR.MAHANTESH GOUDAPPA BHAVIKATTI  
AGE:37 YEARS, OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH AND  
NEURO SCIENCE DHARWAD  
R/O: C/O MANJUNATH B KAMATI KUSUGAL PLOT,  
VIJAYANAGAR ROAD, BANASHREE NAGAR,



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of 2020, WP No. 147778 of 2020

D N KOPPA, DHARWAD-580008

2. MRS. ANITHA G B W/O SHREEDHAR G M  
AGE:34 YEARS, OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH AND  
NEURO SCIENCES DHARWAD  
R/O: H.NO.01, 1ST FLOOR DIMHANS QUARTERS,  
NARAYANPUR, DHARWAD-580008
3. MR. PRASHANT  
S/O LATE SANGANABASAPPA BEVOOR  
AGE:32 YEARS, OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH  
AND NEURO SCIENCES DHARWAD  
R/O: C/O: NEELAMMA BEVOOR,  
H.NO.129, WARD NO D.10,  
OPPOSITE DURGA VIHAR,  
STATION ROAD, BAGALKOT-587101
4. SRI. MUHJAMMAZUBERS S/O BASHASAB BADAMI  
AGE:32 YEARS,  
OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH AND  
NEURO SCIENCES DHARWAD  
R/O: CTS NO 115/1C,  
WRD NO.1, AASAR GALLI KILLA,  
BAGALKOT-587101
5. SRI. AYUBKHAN NN S/O NIJAMKHAN  
AGE:37 YEARS,  
OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH AND  
NEURO SCIENCES DHARWAD  
R/O: C/O:L BASHIRAHAMOD SANGREJKOPPA,  
NO.15, DOUBLE ROAD, D N KOPPA,  
SAMPIGE NAGAR, DHARWAD-580008
6. MRS. P GIRIJA MANOGARI W/O PRAMOD V  
MANGALORE, AGE:38 YEARS,  
OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH AND  
NEURO SCIENCES DHARWAD  
R/O: NO,.46-A,  
KALYAN NAGAR, HUBBALLI,



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DISTRICT: DHARWAD-580023

7. MRS. DELIMA D W/O PAWANKUMAR S  
AGE:39 YEARS, OCC: NURSING OFFICER  
DHARWAD INSTITUTE OF MENTAL HEALTH  
AND NEURO SCIENCES DHARWAD  
R/O: NO.4, D BLOCK,  
DIMHANS STAFF QUARTERS,  
NARAYANPUR DHARWAD-580008

...PETITIONERS

(BY SRI. H.M.DHARIGOND & SANGEETA F.KALLIMANI, ADVOCATES)

AND

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY TO THE  
DEPARTMENT OF MEDICAL EDUCATION,  
VIKAS SOUDHA,  
BENGALURU-560001
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY TO THE  
DEPARTMENT OF HEALTH AND FAMILY  
WELFARE SERVICES,  
M.S. BUILDING,  
BENGALURU-560001
3. THE DIRECTOR,  
HEALTH AND FAMILY WELFARE,  
SERVICES DEPARTMENT,  
ANAND RAO CIRCLE,  
BENGALURU-560001
4. THE DIRECTOR  
MEDICAL EDUCATION,  
ANAND RAO CIRCLE,  
BENGALURU-560001
5. THE DIRECTOR  
DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIENCES





WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

P.B. ROAD, DHARWAD-580008

6. THE CHIEF EXECUTIVE OFFICER,  
DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIENCES  
P.B. ROAD, DHARWAD-580008
7. PARVATHI KENGANNUR,  
AGE: 53 YEARS, OCC: NURSING OFFICER  
WORKING IN DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIEINCES,  
P.B.ROAD, DHARWAD-580008.
8. GAYATRI BHOSLE,  
AGE: 56 YEARS, OCC: NURSING OFFICER  
WORKING IN DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIEINCES,  
P.B.ROAD, DHARWAD-580008.
9. SHANTMARY BALMI,  
AGE: 58 YEARS, OCC: NURSING OFFICER  
WORKING IN DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIEINCES,  
P.B.ROAD, DHARWAD-580008.
10. SHRIDHAR KULKARNI,  
AGE: 54 YEARS, OCC: NURSING OFFICER  
WORKING IN DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIEINCES,  
P.B.ROAD, DHARWAD-580008.
11. PUSHPA B.UPPAR,  
AGE: 59 YEARS, OCC: NURSING OFFICER  
WORKING IN DHARWAD INSTITUTE OF MENTAL  
HEALTH AND NEURO SCIEINCES,  
P.B.ROAD, DHARWAD-580008.
12. JAMEELA F.SHAIKH,  
AGE: 59 YEARS, OCC: NURSING OFFICER  
WORKING IN DISTRICT HOSPITAL,  
DHARWAD-580008.
13. RATHNA S.HAROBELAVADI,  
AGE: 54 YEARS, OCC: NURSING OFFICER



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of 2020, WP No. 147778 of 2020

WORKING IN DISTRICT HOSPITAL,  
DHARWAD-580008.

14. PREMAKUMARI,  
AGE: 58 YEARS, OCC: NURSING OFFICER.  
WORKING IN DISTRICT HOSPITAL,  
DHARWAD-580008.
15. SAROJINI S.PILLAI,  
AGE: 55 YEARS, OCC: NURSING OFFICER.  
WORKING IN DISTRICT HOSPITAL,  
DHARWAD-580008.

...RESPONDENTS.

(BY SRI. V.S.KALASURMATH, HCGP FOR R1 TO R4  
SRI. SUNIL S.DESAI, ADVOCATE FOR R5 & R6  
SRI. MANJUNATH KARIGANNANAVAR & SRI. MALLIKARJUNSWAMY  
B.HIREMATH, ADVOCATES FOR R7 TO R15)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS RELATING TO ISSUE OF THE IMPUGNED ORDER BEARING No.Aa.Ku.Ka.293CGM 206 (Bha-1) Bengaluru dated 06.06.2017 ISSUED BY THE 1<sup>ST</sup> RESPONDENT VIDE ANNEXURE-J AND CIRCULAR NO.NRS(2)/396/19-20 DATED 19.02.2020 ISSUED BY THE 3<sup>RD</sup> RESPONDENT VIDE ANNEXURE-S INsofar AS IT RELATES TO GRANTING POWER TO THE 1<sup>ST</sup> RESPONDENT TO FILL UP THE VACANCIES AVAILABLE IN THE 5<sup>TH</sup> RESPONDENT INSTITUTION AND SET ASIDE THE SAME. AND ETC.

IN W.P. NO.147778/2020

BETWEEN:

1. SHRI SHRIMANTARAYA S/O. SHRISHAILA UNNIBAVI  
AGE : 36 YEARS, OCC : NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES (KIMS)  
HUBBALLI-580022, DIST : DHARWAD
2. MISS.LAKKAVVA D/O.MARUTHI HOSATTI  
AGE : 31 YEARS, OCC : NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES (KIMS)  
HUBBALLI-580022, DIST : DHARWAD



WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

3. MANJUNATH S/O.KALLESHPA.K.  
AGE : 31 YEARS, OCC : NURSING OFFICER,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES (KIMS)  
HUBBALLI-580022, DIST : DHARWAD
4. ARUNKUMAR S/O. NARASIMHA.H.S.  
AGE : 33 YEARS, OCC : STAFF NURSE,  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES  
(KIMS) HUBBALLI-580022  
DIST : DHARWAD
5. ELIZABETHSUDHA .A.GOUDELLAR  
W/O. SUNILKUMAR GANJAL  
AGE : 37 YEARS, OCC : NURSING OFFICER  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES  
(KIMS) HUBBALLI-580022, DIST : DHARWAD
6. SMT.SHAKEELABANU  
W/O. MOHAMMED RAFI ULLA  
AGE : 38 YEARS, OCC : NURSING OFFICER  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES  
(KIMS) HUBBALLI-580022 DIST : DHARWAD
7. SHALINI T. C/O.SYLVESTER DSOUZA  
AGE : 31 YEARS, OCC : NURSING OFFICER  
KARNATAKA INSTITUTE OF MEDICAL SCIENCES  
(KIMS) HUBBALLI-580022  
DIST : DHARWAD
8. RAJAPPA S/O. YALLAPPA REDDY  
AGE : 32 YEARS,  
OCC : NURSING OFFICER KARNATAKA INSTITUTE OF  
MEDICAL SCIENCES (KIMS) HUBBALLI-580022  
DIST : DHARWAD
9. TIPPESWAMY S/O.JAYANNA  
AGE : 27 YEARS,  
OCC : NURSING OFFICER KARNATAKA INSTITUTE OF  
MEDICAL SCIENCES (KIMS) HUBBALLI-580022  
DIST : DHARWAD

...PETITIONERS

(BY SRI. A S PATIL & SRI. SABEEL AHMED, ADVOCATES)



WP No.147659 of 2020 C/W  
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of 2020, WP No. 147778 of 2020

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT  
OF MEDICAL EDUCATION  
VIKAS SOUDHA, BENGALURU-560 001
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT  
OF HEALTH AND FAMILY WELFARE SERVICES,  
M.S.BUILDING, DR.B.R.AMBEDKAR VEEDHI,  
BENGALURU-560 001
3. THE DIRECTOR  
OF HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT,  
ANAND RAO CIRCLE, BENGALURU-560 001
4. THE DIRECTOR  
OF MEDICAL EDUCATION  
ANAND RAO CIRCLE, BENGALURU-560 001
5. THE KARNATAKA INSTITUTE OF  
MEDICAL SCIENCES (KIMS)  
HUBBALLI-580022, DIST : DHARWAD  
REPRESENTED BY ITS DIRECTOR.
6. THE CHIEF ADMINISTRATIVE OFFICER  
HEALTH AND FAMILY WELFARE  
SERVICES DEPARTMENT  
ANAND RAO CIRCLE,  
BENGALURU-560 001

...RESPONDENTS

(BY SRI. V.S.KALASURMATH, HCGP FOR R1 TO R4  
SRI. G.B.PATIL, ADVOCATE FOR R5 & R6)

THIS WP IS FILED PRAYING TO i.WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED GOVERNMENT ORDER DATED 06.06.2017 ISSUED BY THE RESPONDENT NO.2 AS PER ANNEXURE-B AND THE IMPUGNED CIRCULARS DATED 12.02.2020 AND THE IMPUGNED CIRCULAR DATED 19.02.2020 ISSUED BY THE RESPONDENT NO.3 IN NO.Vaishi/SIBANDI/ 196/2019-20 AS PER ANNEXURE-D E RESPECTIVELY AND THE IMPUGNED CIRCULAR DATED 12.08.2020 ISSUED BY THE RERSPONDENT NO.6 AS PER ANNEXURE-G IN SO FAR AS PETITIONER ARE CONCERNED.



WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020

THESE PETITIONS COMING ON FOR ORDERS THIS DAY, THE COURT MADE / DELIVERED THE FOLLOWING:

ORDER

Since common issue is involved in these writ petitions and reliefs sought for are also same, they are taken up together and disposed of by this common order.

This writ petition is filed challenging the government order dated 06.06.2017 whereby permission was granted providing promotion to staff nurses working in the Department of Health and Family Welfare in autonomous medical institutions. The impugned government order was examined by a Co-ordinate Bench of this Court in W.P. No.6001/2020 and connected writ petitions and this Court by order dated 19.04.2022 allowed the writ petitions by quashing the impugned government order dated 06.06.2017. Therefore, these writ petitions also require to be disposed of in terms of the order passed in W.P. No.6001/2020 and connected writ petitions disposed of on 19.04.2022. Accordingly, I pass the following:

ORDER

- i) The writ petitions are allowed.



*WP No.147659 of 2020 C/W  
WP No.147502 of 2020, WP No. 147606  
of 2020, WP No. 147778 of 2020*

ii) The respondent-State Government is hereby directed not to transfer/promote any of the existing Staff Nurses or any other staff from the Department of Health and Family Welfare to the Medical Colleges viz., BIMS, DIMHANS and KIMS.

iii) The State Government, Department of Medical Education is hereby directed to consider the representation submitted by the petitioners in the matter of creation of the required vacancies in the higher cadres of nursing staff and to consider the request of the petitioners for promotion to the higher posts of senior nursing Officers and pass necessary orders as expeditiously as possible within a period of three months from the date of receipt of certified copy of this order.

iv) The impugned order dated 06.06.2017 is hereby quashed insofar it relates to State Government transferring/promoting the staff of the Department of Health and Family Welfare to the medical Colleges viz., BIMS, DIMHANS and KIMS.

v) In the meanwhile, if some of the private respondents are already transferred to the aforesaid Medical



WP No.147659 of 2020 C/W  
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of 2020, WP No. 147778 of 2020

Colleges, necessary orders shall be passed by the State Government to recall such transfers and post such respondents back in the Department of Health and Family Welfare.

In view of disposal of the petitions, pending I.As, if any, do not survive for consideration and the same stands disposed of accordingly.

Sd/-  
JUDGE

KMS  
List No.: 1 Sl No.: 38

Annexure - 4

09/11/2024



Search



Case Status > Case Status

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Status: **Admitted**

Case Number: **WA 977/2022**  
(KAHC010451362022)

Classification: **S RES**

Date of Filing: **26/09/2022**  
13:32:31

Petitioner: **THE STATE OF KARNATAKA**

Petitioner Advocate: **GOVT ADVOCATE**

Respondent: **SMT CHINNAMMA**

Respondent Advocate: **VIJAYA KUMAR**

Filing No.: **WA 966/2022**

Judge: **ANU SIVARAMAN AND UMESH M ADIGA**

Last Posted For: **ADMISSION**  
AT 2:30 PM

Last Date of Action: **12/12/2024**

Last Action Taken: **ADMIT/RULE**

Next Hearing Date: **09/01/2025**

**Daily Orders: WA 977/2022**

- |   |                                 |                   |
|---|---------------------------------|-------------------|
| 1   | ANU SIVARAMAN AND UMESH M ADIGA | <u>20/11/2024</u> |
| List these matters on 12.12.2024 at 2.30 p.m. |                                 |                   |
| <b>Last Updated On: 2024-11-20 15:01:14</b>   |                                 |                   |
| 2   | ANU SIVARAMAN AND UMESH M ADIGA | <u>28/10/2024</u> |



ORAL ORDER ON I.A.Nos.1/2024 TO 3/2024

Heard learned counsel appearing on either side and perused the applications.

I.A.No.1/2024 is filed for condonation of delay of 917 days in filing the LR application, I.A.No.2/2024 is filed for setting aside abatement and I.A.No.3/2024 is filed for bringing the legal representatives of deceased respondent No.45.

For the reasons assigned in the affidavits accompanying the applications, I.A.Nos.1/2024, 2/2024 and 3/2024 are allowed.

Delay of 917 days in filing the LR application is condoned, the abatement is set aside and the appellants are permitted to bring the legal representatives of the deceased respondent No.45 on record.

Appellants to carry out necessary amendment and to file amended cause title.

ORDER ON I.A.No.2/2022

Heard the learned counsel appearing on either side and perused the application.

I.A.No.2/2022 is filed for condonation of delay of 121 days in filing the appeal. In view of the averments made in the affidavit filed in support of the application, delay is condoned. I.A.No.2/2022 is hereby allowed.

List this matter for 'Admission' on 20.11.2024.

**Last Updated On:** 2024-11-05 16:21:17

3

ANU SIVARAMAN AND G BASAVARAJA

03/09/2024

Await service of notice to respondents No.36,38,44 and 46 in WA No.977/2022 and respondent No.6 in WA No.1077/2022.

With regard to office objection at SI.No.3, a memo is filed along with copy of acknowledgment for having served a copy of writ appeal to the learned counsel appearing for respondents. The memo is accepted and the office objection is overruled.

A week's time is granted to comply with office objection at SI.No.4 with regard to vakalathnama filed by the learned counsel appearing for respondent No.34.

Issue notice on IA.Nos.2/2022 and 3/2022.

List this matter along with WA.No.850/2022 after service of notice on the aforesaid Interlocutory applications.

**Last Updated On:** 2024-09-04 16:07:14

4

ANU SIVARAMAN AND G BASAVARAJA

19/08/2024

Two weeks time is sought for by the learned Government Advocate.

List this matter on 03.09.2024.

**Last Updated On:** 2024-08-19 17:25:30

5

CHIEF JUSTICE AND M.G.S. KAMAL

04/08/2023

ORDER IN W.A.NO.977/2022

One week's time is granted to take steps in respect of unserved respondents.

One week's time is granted to comply with the office objection raised on the vakalath filed by advocate for respondent No.34.

**Last Updated On:** 2023-08-07 10:53:38

6

CHIEF JUSTICE AND ASHOK S.KINAGI

13/01/2023

Issue notice on the applications as well as appeals, returnable within three weeks. Appellants are permitted to serve notice on the counsel who represented the respondents i.e., the original petitioners before the learned Single Judge.

Let these appeals be listed along with W.A.No.598/2022 after three weeks.

7

REGISTRAR (PROTOCOL AND HOSPITALITY)

07/12/2022

copy (2)

14662/22

10/04/22

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19<sup>TH</sup> DAY OF APRIL, 2022.

BEFORE

THE HON' BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 6001 OF 2020 (S-RES)

C/W

WRIT PETITION NO. 5964 OF 2020 (S-RES)

WRIT PETITION NO. 8855 OF 2021 (S-RES)

IN W.P. NO. 6001 OF 2020

BETWEEN

1. SMT. CHINNAMMA M U  
W/O PAVITHRA P P  
AGED ABOUT 59 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
2. SRI G N SUREDNANATH  
S/O LATE D NANJUNDAPPA  
AGED ABOUT 53 YEARS  
STAFF NURSE  
MANDYA INSTITUTE OF  
MEDICAL SCIENCES (MIMS)  
DISTRICT HOSPITAL CAMPUS  
MANDYA-571 401
3. SRI KUMAR M H  
S/O LATE HANUME GOWDA  
AGED ABOUT 51 YEARS  
STAFF NURSE



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Received

M. S. Adhikari  
ಸಹಾಯಕ ಅಧೀಕ್ಷಕರು  
ಮಂಡ್ಯ ಜೈದ್ಯಕೀಯ ಕಾಲೇಜು 2022

16. Consequently, this Court proceeds to pass the following:

**ORDER**

1. The writ petitions are ***allowed in part***.
2. The respondent-State Government is hereby directed not to transfer/promote any of the existing Staff Nurses or any other staff from the Department of Health and Family Welfare to the Medical Colleges viz., MIMS and BMCRI.
3. The State Government, Department of Medical Education, is hereby directed to consider the representation dated 16.07.2019 given by the petitioners in the matter of creation of the required vacancies in the higher cadres of nursing staff and to consider the request of the petitioners for promotion to the higher posts of senior nursing Officers and pass necessary orders as expeditiously as possible and at any rate within a period of three months from the



*M. S. Adarsh*  
2019  
2019