



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 2766 OF 2021 (S-RES)

BETWEEN:

SRI B MOHAMMED RAFI KHAN
S/O B HONMA KHAN
AGED ABOUT 59 YEARS
PRESENTLY WORKING AS
ASSISTANT PROFESSOR IN
POLITICAL SCIENCE
VIDYODAYA LAW COLLEGE
TUMKUR.

...PETITIONER

(BY SRI. SRIKANTH M P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
M S BUILDING, BENGALURU-560 001.
2. THE COMMISSIONER
COLLEGIATE EDUCATION DEPARTMENT
PALACE ROAD, BENGALURU-560 003
3. THE DIRECTOR
COLLEGIATE EDUCATION DEPARTMENT
PALACE ROAD, BENGALURU-560 003.
4. THE REGIONAL JOINT DIRECTOR
COLLEGIATE EDUCATION DEPARTMENT
PALACE ROAD, BENGALURU-560 003.

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



5. SRI VIDYODAYA FOUNDATION TRUST
IN FRONT OF DISTRICT HOSPITAL
B H ROAD, TUMKUR-572 102.

6. THE PRINCIPAL
SRI VIDYODAYA FOUNDATION TRUST
IN FRONT OF DISTRICT HOSPITAL
B H ROAD, TUMKUR-572102.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, ADVOCATE FOR R1 TO R4:
SRI S B MUKKANNAPPA, ADVOCATE FOR R5 & R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CONSIDER THE PROPOSAL SUBMITTED BY THE R-6 DATED:16.1.2013 IN RESPECT OF THE PETITIONER ALSO AND ADMIT THE PETITIONER TO GRANT IN AID ALONG WITH THE OTHER STAFFS OF THE INSTITUTION ADMITTED TO GRANTS VIDE ORDER DATED:26.8.2015 BEARING NO. LAW 49 KLM 2013 PASSED BY THE R-1 ANNEXURE-K AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 & 227 of the Constitution of India, seeking the following reliefs:

"(i) Consider the Proposal submitted by the 6th Respondent dated 16.01.2013 Vide Annexure-B in respect of the petitioner also and admit the Petitioner to grant in aid along with the other staffs of the Institution admitted to grants vide Order dated 26.08.2015 bearing No. Law 49 KLM 2013 passed by the 1st Respondent Vide Annexure-K.



- ia) Quash the Letter of the Government dated 04.06.2010 addressed to the 2nd Respondent.*
- (ib) Quash the Letter dated 24.09.2020 addressed to the 4th Respondent by the 2nd Respondent.*
- (ic) Quash the Endorsement dated 12.12.2021 of the 4th Respondent addressed to the Petitioner.*
- (id) Direct the Respondents to include the Petitioner to grant in aid from 26.08.2015 till 31.05.2021 the date on which the Petitioner attained superannuation and to provide all the benefits arising there from including entitlement of the Petitioner to pension and related benefits.*
- (ii) Direct the Respondents to release and pay all consequential benefits arising there from."*

2. The case of the petitioner is that he was appointed as a Lecturer in the 6th respondent-Institution for teaching pre-law subjects. The Management sent a proposal for admitting grant-in-aid to all teachers teaching law subjects and pre-law subjects working in the said institution, including the name of the petitioner, vide Annexure-B.



3. As per the Government Order dated 26.08.2015, vide Annexure-K, all the teachers recommended by respondent Nos. 5 and 6, who were teaching law subjects, were admitted to grant-in-aid. However, in so far as the lecturers teaching pre-law subjects are concerned, their cases were not considered, and no reason has been forthcoming in the said order. Therefore, the Management submitted a representation dated 14.12.2017, vide Annexure-E, to the Regional Joint Director—respondent No. 4.

4. Since the respondents did not take any action to admit the petitioner to grant-in-aid, the petitioner filed the present writ petition seeking the aforesaid relief. During the pendency of this petition, the petitioner attained the age of superannuation.

5. The learned counsel appearing for the petitioner raised the following contentions:



(i) Firstly, under Section 49 of the Karnataka Education Act, 1983, the State Government shall, within the limits of its economic capacity, set apart a sum of money annually to be given as grant-in-aid to local authority institutions and private institutions in the State, recognized for this purpose in accordance with the Rules.

(ii) Secondly, the grant-in-aid has to be extended to the institution and not to the staff subject-wise. The respondents extended the grant-in-aid only to the lecturers teaching law subjects while denying the same to the lecturers teaching pre-law subjects. This amounts to discrimination and is hit by Article 14 of the Constitution of India.

(iii) Thirdly, a similar issue was raised before this Court by certain lecturers teaching pre-law subjects in W.P.No.5297/2019. This Court, by order dated 18.02.2020, disposed of the said writ petition. The relevant paragraphs are extracted below:



"9. It is well settled law that the twin tests required to be established to pass the test of permissibility of classification are:

1) Classification found on Intelligible differentia.

2) Such classification must have a rational nexus to the objects sought to be achieved.

The said burden lies on the Government in the present case. What is forbidden under Article 14 of the Constitution is class legislation but not reasonable classification. But this classification has to be founded on the valid tests propounded by the judicial pronouncements. No such material is available on record to examine on this aspect.

10. In this context, it is apt to refer to the judgment of the Hon'ble Apex Court in Manubhai Pragaji Vahi's case, supra and to quote para.11 of the said judgment which reads as under:

"11. On hearing counsel, we are of the view that no dispute seems to have been raised in the High Court regarding the grant-in-aid made available to recognised private professional colleges other than law. Nor was any material placed before the court on this score. The conclusion of the High Court to the effect that not



extending the grant-in-aid to non-Government law colleges and at the same time extending such benefit to non-Government colleges with faculties viz., Arts, Science, Commerce, Engineering and Medicine (other professional non-Government colleges) is patently discriminatory, and based on material and sustainable. The State has not discharged the burden of proof cast on it to sustain the differential treatment meted out to one of the Government recognized professional colleges, (private law colleges). It is patent that likes have been treated unlike; without proper justification or reason and the private law colleges have been singled out for hostile discriminatory treatment. The disparity in the service conditions in not affording the benefit of pension-cum-gratuity scheme to the non-teaching staff in non-Government law colleges and at the same time affording the same benefit to non-teaching staff of colleges with faculties in Arts, Science, Commerce, Engineering and Medicine with effect from 1.10.1982 is discriminatory as correctly opined by the High Court and requires to be set right."

11. In the light of the aforesaid judgment and having regard to the facts and circumstances, this Court finds it appropriate to direct the respondent No.1 to consider the representations of the petitioners in accordance with law keeping in mind the observations made hereinabove and take an



appropriate decision in an expedite manner, in any event, not later than eight weeks from the date of receipt of certified copy of the order.”

6. From a bare reading of the above, it is clear that the respondents cannot discriminate between lecturers teaching law subjects and those teaching pre-law subjects with regard to the grant-in-aid. Without assigning any reasons, the respondents have extended grant-in-aid only to the lecturers teaching law subjects. Since the case of the petitioner has not been considered, I am of the opinion that this writ petition deserves to be disposed of.

7. In view of the above, the following order is passed:

- (i) The writ petition stands disposed of.
- (ii) Respondent Nos.1 to 4 are directed to consider the case of the petitioner keeping in view the order passed by this Court in WP No.5297/2019 disposed of on 18.02.2020, as expeditiously as possible, in any event, not



later than three months from date of receipt
of a copy of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 0