



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 31576 OF 2015 (S-RES)

BETWEEN:

SMT. USHA
W/O JESUDAS V.T.,
D/O JOHN,
AGED ABOUT 42 YEARS,
WORKING AS ENGLISH TEACHER IN
MORARJI DESAI RESIDENTIAL SCHOOL,
MUNDAJE, DK DISTRICT AND
RESIDING AT JESUDAS COMPLEX,
JODUMARGA, KOKKADA VILLAGE & PO
BELTHANGADY TALUK, D.K. DISTRICT.

...PETITIONER

(BY SRI. RITA E.M., ADVOCATE
SRI. M. SUBRAHMANYA BHAT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPT. OF SOCIAL WELFARE,
VIKASA SOUDHA,
BENGALURU – 560 001.



2. THE KARNATAKA RESIDENTIAL EDUCATIONAL
INSTITUTIONS SOCIETY,
REP. BY ITS EXECUTIVE DIRECTOR,
ROOPA COMPLEX,
NO.179, II AND III FLOOR,
I MAIN, SHESHADRIPURAM,
BENGALURU – 560 020.

3. STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPT. OF EDUCATION,
M.S.BUILDING,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI. SIDDARTH BABURAO, ADVOCATE AND
SMT. NAVYA SHREE, ADVOCATE FOR R2
SRI. G RAMESH NAIK, AGA FOR R1 AND R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR THE
RECORDS PERTAINING TO THE ABOVE WRIT PETITION. QUASH
THE SELECT LIST DT.17.3.2015 AT ANNEX-G AND DT.17.6.2015
VIDE ANNEX-G1 AS THE SAME IS ILLEGAL AND IS VIOLATIVE
OF ARTICLES 14 & 16 OF THE CONSTITUTION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this Writ Petition, seeking for the following reliefs:

- a) *Issue a writ of certiorari or any other appropriate writ, order or direction quashing the select list bearing No.Ka.Va.Shi.Sa.Sa./Adalita/Ho.Ne./C.R-01/2013-14 dated 17.03.2015 produced at Annexure-G and No.Ka.Va.Shi.Sa.Sa./Adalita/Ho.Ne./C.R-1-14 dated 17.06.2015 produced at Annexure-G1 as the same is illegal and is violative of Articles 14 and 16 of the Constitution;*
- b) *Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to redo the select list as ordered by this Hon'ble Court and include the name of the petitioner and grant her all consequential benefits including fixation of pay from the date of initial appointment and grant her arrears on such fixation to meet the ends of justice;*
- c) *Issue a writ of mandamus or any other appropriate writ or direction holding that the petitioner is regularly recruited teacher during no rule period and is entitled to be continued in service till the age of superannuation to meet the ends of justice."*



2. Brief facts leading rise to the filing of this Writ Petition are as follows:

The petitioner was appointed as English teacher during "No Rule Period" in 2005. In 2011, the rules came to be framed. The petitioner had approached this Court in W.P.No.20204-20364/2011 and connected matters. This Court, vide order dated 13.07.2012, allowed the writ petitions in part and directed the respondents to include the petitioner's therein appointed on or after 2004-2005 are entitled for the benefit of service weightage as specified in the Karnataka Residential Education Society (Cadre and Recruitment) Regulations, 2011 (for short 'the Recruitment Regulations, 2011'). The petitioner submits that the respondent No.2 has not followed the directions issued by this Court in the aforesaid writ petitions and they have not extended the service weightage to the petitioner. Hence, the petitioner aggrieved by the selection list dated 17.03.2015, has filed this writ petition.



3. Respondent No.2 filed the statement of objections admitting that the petitioner was appointed as English teacher on 05.09.2005 and passed B.A. Degree examination in 1995 and served as English teacher for the academic year 2005-2006 to 2010-11 without acquiring prescribed educational qualification as per Karnataka Residential Educational Institutions Society (Cadre and Recruitment Regulation), 2011. It is contended that respondent No.2 issued a notification dated 27.04.1011 for filling up the vacancies to the Principals, Subject Teachers and non-teaching staff. Pursuant to the said notification, the petitioner submitted an application for recruitment of English teacher appeared for Combined Competitive Examination held between 24.07.2011 to 27.07.2011. It is contended that the petitioner's result was declared as "not selected, below cut off percentage of marks as well as not acquiring the required educational qualification". Hence, prays to dismiss the writ petition.



4. Heard the arguments of the learned counsel for the petitioner and also learned Government Advocate for respondent No.1 and learned counsel for respondent No.2.

5. Learned counsel for the petitioner submits that the petitioner was appointed as English teacher on 08.09.2005. As on the date of appointment of the petitioner, there was no Cadre and Recruitment Rules in force. On 21.01.2011, the Rules came to be framed. The petitioner and others approached this Court in W.P.No.20204-20364/2011 and connected matters. This Court, vide order dated 13.07.2012, allowed the writ petitions in part and held that the petitioners including the petitioner's herein are not entitled for the absorption under the Absorption Regulations, 2011. Further, it is held that the respondents shall regularize the Principals and Teachers appointed prior to 2004-2005 and continued in service as on the date of Absorption Regulations, 2011 came into force subject to fulfilling the other conditions. It is declared that all the Principals and Teachers including



the petitioner herein appointed on or after 2004-2005 are entitled for the benefit of service weightage as specified in the Recruitment Regulations, 2011. Pursuant to the direction issued by the Co-ordinate Bench of this Court in the aforesaid writ petitions, respondent No.2 has not extended the benefit of service weightage as specified in the Recruitment Regulations, 2011. Respondent No.2 did not comply with the directions issued by the Co-ordinate Bench of this Court in the aforesaid writ petitions. Admittedly, the petitioner is in service from 2005 and the petitioner is entitled for service weightage as specified in the Recruitment Regulations, 2011.

6. Learned counsel for respondent No.2 submits that, respondent No.2 is ready to extend the benefits of service weightage as specified in the Recruitment Regulations, 2011 to the petitioner in Social Science. As the petitioner has also sought for mandamus holding that the petitioner is qualified for the post of Social Science teacher and entitled to all the benefits including the scales



of pay and other allowances attached to the post held by her ever since the date of her appointment and arrears of salary. Hence, on these grounds, prays to allow the writ petition.

7. Learned counsel for respondent No.2 submits that respondent No.2 will reconsider the case of the petitioner for the post of Social Science teacher.

8. In view of the submission made by learned counsel for respondent No.2, the writ petition is liable to be allowed.

9. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed in part.***
- ii. Respondent No.2 is directed to reconsider the case of the petitioner in terms of the directions issued by this Court in W.P.No.20204-20364/2011 and connected matters and provide a service weightage to



the petitioner and pass an appropriate order in accordance with the law within a period of one month from the date of the receipt of the copy of this order.

- iii. Pending applications, if any, stand disposed off accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB