



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 805 OF 2014 (S-RES)

C/W

WRIT PETITION NO. 5693 OF 2014 (S-RES)

IN WP No. 805/2014

BETWEEN:

1. HARI PRAKASH S.P,
S/O PUTTASWAMY,
AGED 43 YEARS
109, MANGANAHALLI
SULIKERE POST,
YESHWANTHPUR HOBLI,
BANGALORE - 560 060.
2. G.SHANTHAMMA,
W/O GIRIYAPPA,
AGE: 40 YEARS
3RD MAIN, 3RD CROSS,
PPLC POORNAPRJNA LAYOUT
KATRIGUPPE,
BANGALORE - 560 085
3. BASAVARAJU Y
S/O YELLAPPA
AGE: 41 YEARS
53, DUBASI PALYA,
NK PHARM,RV COLLEGE POST,
MYSORE ROAD,BANGALORE- 560 059
4. PADMA
W/O GUNDSHETTY

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

AGE : 36 YEARS
82, AGS LAYOUT,
SRINIVAS COLONY, 4TH CROSS,
SUBRAMANYAM NAGAR POST,
BANGALORE – 560 084.

5. HANUMANTHA Y K
S/O KENCHIAIAH
AGE: 36 YEARS
E 36/A, 7TH CROSS
MARUTHI NAGAR, ITTMADU
BANGALORE - 560 085.
6. KANTHARAJ.K
S/O KARIYAPPA
AGE: 34 YEARS
POLOHALLI, KARAMANGALA POST
MADBAL HOBLI,
MAGADI TALUK
RAMANAGARA DISTRICT - 562 120.
7. TIMMESH D
S/O DASAPPA
AGE: 37 YEARS
36, DHARAMSHASTA NILAYA
4TH CROSS, GOPALAPPA LAYOUT,
MANORAYANA PALYA
SULTAN PALYA
BANGALORE 560 032
8. MANJUNATH D
S/O DASAPPA
AGE: 28 YEARS
NAGADEVANAHALLI
JNANABHARATHI POST
BANGALORE 560056
9. T.V. LOKESH
S/O VENKATARAMU
AGE: 28 YEARS
15/20 5TH CROSS 5TH MAIN



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

DP LAYOUT BSK 3RD STAGE,
BANGALORE 560085

10. S.NIRMALA
W/O DINESH
AGE: 43 YEARS,
198/1 GAVIPURAM WEST,
BANGALORE - 560 019.
11. PRAKASH.M
S/O MANJEGOWDA
AGE: 29 YEARS
19, MUNESHWAR NAGAR,
NEAR GOVT ITI COLLEGE,
HOSAKEREHALLI,
BANGALORE - 560 085.
12. SRINIVASA MURTHY N
S/O NARAYANAPPA
AGE: 29 YEARS
24/1, 13TH CROSS, 2ND MAIN
B K NAGAR, YESHWANTHPUR
BANGALORE - 560 022.
13. M.S.MAHALINGAIAH
S/O SANNAIH
AGE: 31 YEARS
MARASHETTAHALLI POST,
GOLLARAHATTI
KADABA HOBLI
TUMKUR DISTRICT - 572 225.
14. ANIL KUMAR C R
S/O RAJU
AGE: 24 YEARS
109, MANGANAHALLI,
SULIKERE POST, YESHWANTHAPURA HOBLI,
BANGALORE - 560 060
15. ANAND KUMAR M
S/O MALLAIAH



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

AGE: 26 YEARS
NAGDEVANAHALLI,
DODDAGOLLARAHATTI,
JNANABHARATI POST,
BANGALORE - 560 056.

16. B MANJUNATHA
S/O BOREGOWDA
AGE: 31 YEARS
261, 6TH MAIN
SRINAGAR PIPELINE,
BANGALORE - 560 050.

17. MAHENDRA S
S/O SHIVANNA
AGE: 27 YEARS
1212, MATHA STREET, KOTE
CHANNAPATTANA
RAMANAGAR - 562 160.

18. HEMANTHA
S/O LATE KARIYAPPA
AGE: 38 YEARS
POLOHALLI, KARAMANGALA POST
MADBALU HOBLI, MAGADI TALUK
RAMANAGAR DISTRICT - 562 120

19. R.P.MADESH
S/O PAPANNA
AGE: 36 YEARS
RAMPURA HOBLI,
CHENNAPATTANA TALUK
RAMANAGARA DISTRICT - 571 501

20. MARAYYA
S/O UCHAPPA
AGE: 48 YEARS
NAGADEVAANA HALLI
NEAR BOOTHAPPA TEMPLE
1ST MAIN, 1ST D CROSS
BANGALORE - 560 056



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

...PETITIONERS

(BY SRI.V.LAKSMINARAYANA , SENIOR COUNSEL FOR
SMT/MISS ANUSHA.L FOR P1 TO P19 ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HIGHER EDUCATION,
M S BUILDING,
BANGALORE - 560 001
2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
REPRESENTED BY ITS REGISTRAR
4TH T BLOCK, JAYANAGAR
BANGALORE - 560 041
3. ALL INDIA COUNCIL OF TECHNICAL EDUCATION
(AICTE) 7TH FLOOR,
CHANDERLOK BUILDING,
JANPATH, NEW DELHI - 110 001
4. PHARMACY COUNCIL OF INDIA
COMBINED COUNCILS BUILDING,
KOTLA ROAD,AIWNA-E-GHALIB MARG,
NEW DELHI - 110 002.
5. PEOPLES EDUCATION SOCIETY
REPRESENTED BY ITS SECRETARY
50 FEET ROAD, HANUMANTHAGAR
BSK I STAGE, BANGALORE - 560 050.
6. PES PHARMACY COLLEGE
REPRESENTED BY ITS PRINCIPAL
50 FEET ROAD, HANUMANTHAGAR
BSK I STAGE, BANGALORE - 560 050

...RESPONDENTS

(BY SRI. S.N.MURTHY SENIOR COUNSEL FOR
SRI. SOMASHEKAR .,ADVOCATE FOR R5 AND R6;
SMT. MAMATHA SHETTY, AGA FOR R1;
DLJ ASSOCIATES FOR R2;



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

SRI. S.S.HAVERI ADVOCATE FOR R4;
SRI. SONA.M.BADIGERE ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT TO THE R-5 AND R-6 TO PAY TO THE PETITIONERS SALARIES IN THE PAY SCALES ADMISSIBLE TO EMPLOYEES WORKING IN CORRESPONDING POSTS IN GOVERNMENT EDUCATIONAL INSTITUTIONS AND TO GRANT ALL OTHER CONSEQUENTIAL BENEFITS FLOWING THERE FROM, AND ALSO TO PAY ARREARS OF SALARY IN THE SAID PAY SCALES FROM THE DATE OF THE PETITIONERS INITIAL APPOINTMENT ALONG WITH REASONABLE INTEREST.

IN WP NO. 5693/2014

BETWEEN:

1. SMT. RENUKAMMA,
W/O LATE SRI.T.THIMMAIAH,
GNANABHARATHI POST,
BEHIND MARAMMA TEMPLE,
NAGADEVANAHALLI,
BENGALURU - 560 056
2. CHIKKANNA N
S/O GIRIAPPA
AGE: 27 YEARS
1, POLOHALLI,
M KARAMANGALA POST,
MADUBALU HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT - 562120
3. SHIVANNA N
S/O NAGIAH
AGE: 40 YEARS
POLOHALLI, MADABAL HOBLI
KARALAMANGALA POST
RAMANAGARA DISTRICT-562120
4. JAYANNA N



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

- S/O JAVARAPPA
AGE: 40 YEARS
NAGADEVANAHALLIL
MARAMMA TEMPLE ROAD
GNANABHARATHI POST,
KENGARI HOBLI,
BANGALORE – 560 056
5. C. DEVANAND
S/O CHIKKAIAH B K
AGE 38 YEARS
59, 1ST CROSS
BAGEGOWDA LAYOUT
100 FEET ROAD, HOSAKEREHALLI
BSK III STAGE,
BANGALORE – 560 085
6. HUCHAPPA
S/O GABARIGOWDA
AGE: 41 YEARS
KANAKAR POST
MAYASANDRA HOBLI
TURUVEKERE HOBLI
TUMKUR DISTRICT-572225
7. GEETHA
W/O RAMAIAH M
AGE: 48 YEARS
62, GOTTIGERE
POLLINAPALLINAGAR
RAJARAJESHWARINAGAR
BANGALORE - 560098
8. YELLAPPA T S
S/O SIDDAPPA
AGE: 52 YEARS
322, CHANDRA LAYOUT
ARUNDATHINAGAR
BANGALORE-560072
9. RUKMINAMMA



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

W/O RAJAPPA
AGE: 58 YEARS
310, T R SHAMANNANAGAR
RAJAPPA LAYOUT, SRINAGAR
BANGALORE - 560 050

10. KUMARI
W/O GOPAL
AGE: 40 YEARS
VEERABHADRANAGAR
CHURCH ROAD, 2ND CROSS
BSK II STAGE, BANGALORE-560085
11. KRISHNA S
S/O GANAPPA
AGE: 35 YEARS
11, 1ST MAIN, 1ST CROSS
VEERABHADRANAGAR, 100 FEET ROAD,
BSK III STAGE, BANGALORE - 560 085
12. PRABHAKAR S PATIL
S/O SHARANAPPA PATIL
AGE: 46 YEARS
6, 1ST MAIN ROAD, 1ST CROSS,
RAMOHALLI POST, KENGERI HOBLI
BANGALORE - 560 060
13. THIMMAPPA D S
S/O DODDADASAPPA
AGE: 36 YEARS
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
KENGERI HOBLI, BANGALORE - 560 056
14. THIMMAPPA D
S/O CHIKKADASAPPA
AGE: 39 YEARS
NAGADEVANAHALLI
DODDAGOLLARAHATTI
GNANABHARATHI POST
KENGERI HOBLI



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

BANGALORE-560056

15. JAYANNA C
S/O CHITRAPPA
AGE: 41 YEARS
NAGADEVANAHALLI
1ST CROSS, GNANABHARATHI POST
KENGERRI HOBLI
BANGALORE – 560 056
16. GOVINDA RAJU
S/O BASAPPA
AGE: 39 YEARS
216, 4TH CROSS
CHAMUNDINAGAR
HOSAKEREHALLI,
BSK III STAGE
GIRINAGAR POST
BANGALORE-560085
17. JUNJAPPA
S/O ALATAPPA
AGE: 35 YEARS
NAGADEVANAHALLI
NEAR BHARATHI POST
KENGERRI HOBLI
BANGALORE-560056
18. SMT. SHAKUNTHALA
W/O LATE SRI. MUNIRAJU.M,
NO.84, PATTANAGERE,
RAJAJRAJESHWARI NAGARA,
BENGALURU – 560 098
19. B.M.CHAITHANYA,
D/O LATE SRI. MUNIRAJU.M,
NO.66, PATTANGERE,
RAJAJRAJESHWARINAGAR,
BENGALURU – 560 098.
20. SRI.C.BHARATH RAJ



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

S/O LATE SRI. MUNIRAJU.M,
NO.84, PATTANAGERE,
RAJARAJESHWARINAGAR,
BENGALURU – 560 098.

21. SHIVAKUMARI
W/O DEVRAJ
AGE: 36 YEARS
30, 5TH MAIN ROAD
3RD CROSS, 100 FEET ROAD
BSK III STAGE
BANGALORE-560085
22. GIRESH
S/O CHIKKANNA
AGE: 28 YEARS
MAGADI TALUK, MAKABAL HOBLI
KARAMANGALA POST
POLAHALLI TALUK
RAMANAGARA DISTRICT-562120
23. CHANDRASHEKAR B N
S/O NARASIMHAIAH
AGE: 34 YEARS
56/87, 10TH MAIN ROAD
5TH CROSS, RAGHAVENDRA BLOCK
SRINAGAR
BANGALORE-560050
24. SRINIVASA M
S/O MUNISWAMAIAH
AGE: 51 YEARS
49, 4TH MAIN ROAD
SRIRAMANAGAR, BSK III STAGE
BANGALORE-560085
25. SURESH M
S/O MARIGOWDA
AGE: 34 YEARS
246, 1ST MAIN ROAD
5TH CROSS, VEERABHADRANAGAR



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

100 FEET ROAD, BSK III STAGE
BANGALORE-560085

26. CHANDRASHEKAR M H
S/O HONNEGOWDA T
AGE: 40 YEARS
MATHIKERE, SHETTIHALLI POST
MALUR HOLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-571501
27. SHIVARAJ
S/O KARIYAPPA
AGE: 31 YEARS
POLLALLI, MAGADI TALUK
MADABAL HOBLI
KARAMANGALA POST
RAMANAGARA DISTRICT-562120
28. SURESH KUMAR P
S/O POOJARAMAIAH
AGE: 30 YEARS
30, 1ST MAIN, 1ST CROSS
VEERABHADRANAGAR
100 FT. ROAD, BSK III STAGE
BANGALORE-560085
29. MANJUNATH T
S/O THIMMAIAH T
AGE: 29 YEARS
123, 1ST CROSS
NAGADEVANAHALLI
GNANABHARATHI POST
Kengeri Hobli
BANGALORE-560056
30. RAMANNA K
S/O KALLAIAH
AGE: 31 YEARS
DODDAGOLLARAHATTI
GNANABHARATHI POST



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

BANGALORE-560056

31. ROOPA R
W/O VISHWANATH
AGE: 33 YEARS
18, 7TH CROSS, 12TH MAIN
T R SHAMANNA NAGAR
SRINAGAR
BANGALORE-560050
32. DASEGOWDA
S/O GANGANNA
AGE: 30 YEARS
BETHALLI GOLARATI
KODHUR HOBLI, MAGADI TALUK
SRIGIRAPURA POST
RAMANAGARA DISTRICT-562120
33. RANGAIAH M
S/O MASAIAH
AGE: 31 YEARS
88, NAGADEVANAHALLI
GNANABHARATHI POST
KENGARI HOBLI
BANGALORE-560056
34. DODDAYYA
S/O CHIKKONIAH
AGE: 39 YEARS
MALEDODDI,
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-571501
35. MAHARAJ SHARMA
S/O HUNASHARMA DAS
AGE: 39 YEARS
60, 2ND CROSS, D"SOUZA NAGAR
HOSKERHALLI, BSK 3RD STAGE
BANGALORE-560085
36. GAYATHRI C



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

W/O VENKATARAJU
AGE: 48 YEARS
23, D"SOUZA NAGAR
BSK 3RD STAGE
BANGALORE-560085

37. K N KALPANA
W/O RAVI
AGE: 38 YEARS
14, 7TH MAIN ROAD
5TH CROSS, DWARAKANAGAR
BSK III STAGE
BANGALORE – 560 085

38. T KUMAR
S/O THIMMAPPA T
AGE: 33 YEARS
NAGADEVANAHALLI
GNANABHARATHI POST
Kengeri Hobli
BANGALORE-560056

39. UDAY KUMAR
S/O RAMESHBABU
AGE: 32 YEARS
410, 10TH MAIN ROAD
8TH CROSS, BSK III STAGE
BHUVANESHWARINAGAR
BANGALORE-560085

40. M. JAVARAPPA
S/O MARAIAH J
AGE: 27 YEARS
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
BANGALORE-560056

41. VASUDEVA B C
S/O CHIKKAIAH B K
AGE: 40 YEARS
59, 1ST CROSS



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

BAGEGOWDA LAYOUT
100 FEET ROAD, HOSAKEREHALLI
BSK III STAGE, BANGALORE – 560 085

42. VIJAYKUMAR M
S/O MARAPPA
AGE: 30 YEARS
123, 1ST MAIN, 2ND CROSS
NAGADEVANAHALLI
GNANABHARATHI POST
BANGALORE – 560 056
43. RAJU M C
S/O CHIKKONIAH
AGE: 29 YEARS
MALEDODDI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-571501
44. VENKATAPPA M
S/O MARISWAMY
AGE: 32 YEARS
RAMPURA POST
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-571501
45. MAHALINGAYYA
S/O E CHIKKAIAH
AGE: 28 YEARS
POLLALLI, MAGADI TALUK
MADABAL HOBLI
KARAMANGALA POST
RAMANAGARA DISTRICT-562120
46. KOWLAPPA T
S/O THAMMAYAPPA
AGE: 28 YEARS
NAGADEVANAHALLI
GNANABHARATHI POST
Kengeri Hobli
BANGALORE-560056



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

47. RAMANNA S
S/O SANNAPPA
AGE: 37 YEARS
88, NAGADEVANAHALLI
GNANABHARATHI POST
KENGARI HOBLI
BANGALORE-560056
48. M SURESH
S/O MALLAIAH
AGE: 28 YEARS
NAGADEVANAHALLI
GNANABHARATHI POST
KENGARI HOBLI
BANGALORE-560056
49. M KRISHNAPPA
S/O MASAIAH
AGE: 29 YEARS
28, 2ND MAIN, 2ND CROSS
NAGADEVANAHALLI,
GNANABHARATHI POST
KENGARI HOBLI,
BANGALORE-560056
50. AJAY KUMAR
S/O MALAPPA
AGE: 35 YEARS
NAGADEVANAHALLI
MARAMMA TEMPLE ROAD
GNANABHARATHI POST
KENGARI HOBLI
BANGALORE-560056
51. G N BASAMANI
W/O CHIKKATHAMMIAH
AGE: 36 YEARS
PATTANAGERE
RAJARAJESHWARINAGAR
BANGALORE-560098



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

52. NARASIMHAIAH N
S/O NARASIMHAIAH
AGE: 42 YEARS
20, 17TH MAIN ROAD
K.S.B. QUARTERS
VIJAYANAGAR 2ND PHASE
BANGALORE-560040
53. V K VINAY
S/O KULLEGOWDA
AGE: 30 YEARS
164, VITTALAPURA,
K R PETE TALUK
BUKANAKERE
MANDYA DISTRICT-571426
54. RANGASWAMY D
S/O DODASAPPA
AGE: 31 YEARS
DODDAGOLLARAHATTI
GNANABHARATHI POST
KENGARI
BANGALORE-560056
55. MASAIAH K
S/O KARIYAPPA
AGE: 29 YEARS
8TH MAIN ROAD, R R LAYOUT
NAGADEVANAHALLI
NEAR R.S.B. SCHOOL
BANGALORE-560056
56. KASTURI
W/O RANGASWAMY
AGE: 43 YEARS
274, VEERABHADRANAGAR
6TH CROSS, BSK II STAGE
BANGALORE-560070
57. JAGADEESH



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

S/O HANUMANTHAIAH
AGE: 32 YEARS
506, 18TH CROSS
K B COLONY, GIRINAGAR
III PHASE, BANGALORE-560085

58. CHIKKANNA
S/O GIRIAPPA
AGE 27 YEARS
1, POLOHALLI M
KARAMANGALA POST,
MADUBALU HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT-562120

59. DINESH KUMAR
S/O BOREGOWDA
AGE: 29 YEARS
11, 3RD CROSS,
D"SOUZANAGAR
BANGALORE - 560 085

60. LOKESH M
S/O MARIRANGAIAH
AGE: 26 YEARS
DODDAGOLLARAHATTI
NAGADEVANAHALLI
GNANABHARATHI POST
Kengeri Hobli
BANGALORE - 560 056

61. JAYANTHI K
W/O SRINIVAS T N
AGE: 45 YEARS
961, HOSAKEREHALLI
4TH MAIN ROAD, BSK III STAGE
KALIDASANAGAR
BANGALORE - 560 085

62. RANGASWAMY T
S/O THIMMAIAH



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

AGE: 29YEARS
98, 1ST MAIN ROAD
1ST CROSS, NAGADEVANAHALLIL
GNANABHARATHI POST,
Kengeri Hobli,
BANGALORE – 560 056

63. JAVARAPPA
S/O CHITHAPPA
AGE: 28 YEARS
NAGADEVANAHALLIL
BEHIND MARAMMA TEMPLE
GNANABHARATHI POST
Kengeri Hobli
BANGALORE-560056
64. GIRISWAMY
S/O CHIKKANNA
AGE: 27 YEARS
POLOHALLI M
KARAMANGALA POST
MADUBALU HOBBI
MAGADI TAUKE
RAMANAGARA DISTRICT-562120
65. SURESHA H
S/O PATTAPPA
AGED ABOUT 30 YEARS
DODDAGOLLARAHATTI
GNANABHARATHI POST
BANGALORE-560056
66. N KUMARA
S/O NAGARAJ
AGE: 26 YEARS
NAGADEVANAHALLI
GNANABHARATHI POST
Kengeri Hobli
BANGALORE-560056
67. MANJUNATHA D



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

S/O DODDAIAH
AGE: 53 YEARS
53, 2ND PHASE
SRI BHUVANESHWARINAGAR
DOBIGHAT, BANGALORE-560019

68. A K MOHAN KUMAR
S/O KENGAGOWDA
AGE: 26 YEARS
26, AREALPAHALLI
HOSAKERE HOBLI,
NAGAMANGALA TALUK
MANDYA DISTRICT-571426
69. B V VIJAYKUMAR
S/O BERANNAGOWDA
AGE: 26 YEARS
BADRALLI NAGMANGALA TALUK
MANDYA DISTRICT-571426
70. P NARASIMHAMURTHY
S/O POOJARAMAIAH
AGE: 41 YEARS
30, 1ST MAIN ROAD
1ST CROSS, VEERABHADRANAGAR
100 FEET ROAD, BSK III STAGE
BANGALORE-560085
71. SRINIVASA K R
S/O RAMACHANDRA
AGE: 25 YEARS
KACHHIGERE, MANDYA TALUK
MANDYA DISTRICT-571426
72. K M SATYA MURTHI
S/O MAHADEVA
AGE: 28 YEARS
218, 8TH MAIN ROAD
NAGADEVANAHALLI, R R LAYOUT
Kengeri Hobli
BANGALORE-560085



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

73. S MANJUNATH
S/O SRINIVAS
AGE: 28 YEARS
31/1, 4TH MAIN ROAD
4TH CROSS, A D HALLI
MAGADI MAIN ROAD
BANGLORE-560079
74. K PREMKUMAR
S/O KEMPAIAH
AGE: 32 YEARS
BHADRAPURA, HEJJALA POST
BIDADI HOBLI
RAMANAGARA DISTRICT-562120
75. J JAGADISHA
S/O JAYARAMMA
AGE: 25 YEARS
68, 2ND CROSS
BHEEMANAKUPPE COSS
RAMOHALLI, KENGERI
BANGALORE-560060
76. CHIKKANNA V
S/O VEERANNA
AGE: 31 YEARS
NAGADEVANAHALLI
MARAMMA TEMPLE ROAD
GNANABHARATHI POST
KENGERI HOBLI
BANGALORE-560056
77. G B KUMARA
S/O BELLIAPPA
AGE: 30 YEARS
GOLARDUDDI HALASANDRA POST
CHANNAPATANA TALUK
RAMANAGARA DISTRICT-571502



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

78. SHIVA K D
S/O DASAPPA
AGE: 26 YEARS
11, KEERANAKALA DODDI
ANJANAPURA POST
RAMANAGARA DISTRICT-562120
79. NAVEENA S
S/O SIDDEGOWDA
AGE: 29 YEARS
01, 2ND FLOOR, 2ND CROSS
VINOBA LAYOUT
AVALAHALLI NEW EXTENSION
BANGALORE-560026
80. AVINASH S
S/O SHIVANNE GOWDA
AGE: 26 YEARS
20, 1ST MAIN ROAD
1ST CROSS, ESHWARI SCHOOL
ROAD, HOSAKEREHALLI,
BSK III STAGE
BANGALORE-560085
81. KUMARA K
S/O KANTHA
AGE: 29 YEARS
95, 3RD MAIN ROAD
100 FEET ROAD
JANASHAKTHINAGAR
HOSAKEREHALLI
BSK III STAGE
BANGALORE-560085
82. C T RAVINDRA KUMARA
S/O THAMAIHA
AGED ABOUT 41 YEARS
NO.32, MUNISWARA NAGAR
HOSEKEREHALLI
BSK 3RD STAGE
BANGALORE-560085



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

83. GIRISHA B
S/O BOJAPPA
AGE: 28 YEARS
NAGADEVANAHALLI
JNANABHARATHI POST
BANGALORE-560056
84. E SAGAYA RAJ
S/O ENASAPPA
AGE: 37 YEARS
203, VERABHADRANAGARA
4TH CROSS, HOSAKEREHALLI
BSK 3RD STAGE
BANGALORE-560085
85. MAN BHADUR
S/O RAMBAHADUR
AGE: 42 YEARS
203, VERABHADRANAGARA
4TH CROSS, HOSAKEREHALLI
BSK 3RD STAGE
BANGALORE-560085
86. SATHYA RANI
W/O AROKYADAS
AGED ABOUT 33 YEARS
133, 8TH CROSS
OPP PESIT COLLEGE
VEERABHADRA NAGAR
BANGALORE - 560 085
87. SARASWATHI S
W/O RAVI V R
AGED ABOUT 33 YEARS
42, 10TH CROSS
BALAJI NAGAR, ITTAMADU
BSK 3RD STAGE
BANGALORE - 560085
88. YAMUNAMMA



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

W/O SUBRAMANYA
AGED ABOUT 51 YEARS
42, 10TH CROSS
BALAJI NAGAR, ITTAMADU
BSK 3RD STAGE
BANGALORE-560085

89. MANJU
W/O BHASKAR
AGE: 35 YEARS
2, 14TH A MAIN ROAD
HOSAKEREHALLI MAIN ROAD
BANGALORE-560085

90. SUSHEELAMMA
W/O JAYARAMU
AGE: 38 YEARS
222, B JANATHA COLONY
1ST CROSS, MARIYAPPANA PALYA
JANANABHARATHI POST
BANGALORE-560056

....PETITIONERS

(BY SRI. V.LAKSHMINARAYANA, SENIOR COUNSEL FOR
SMT/MISS ANUSHAL ADVOCATE FOR P2 TO P17, P19 TO P88)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HIGHER EDUCATION
M.S.BUILDING
BANGALORE – 560 001
2. THE DIRECTOR OF TECHNICAL EDUCATION
PALACE ROAD,
BANGALORE – 560 001
3. ALL INDIA COUNCIL OF
TECHNICAL EDUCATION (AICTE)
7TH FLOOR, CHANDERLOK



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

BUILDING, JANPATH
NEW DELHI-110001

4. VISVESVARAYA TECHNOLOGICAL
UNIVERSITY
BELGAUM-590018
REPRESENTED BY ITS REGISTRAR
5. PEOPLES EDUCATION SOCIETY
50 FEET ROAD, HANUMANTH NAGAR
B.S.K. 1ST STAGE
BANGALORE – 560 050
REPRESENTED BY ITS SECRETARY
6. PES INSTITUTE OF TECHNOLOGY
100 FEET RING ROAD
BSK III STAGE
BANGALORE – 560 085
REPRESENTED BY ITS PRINCIPAL

.....RESPONDENTS

(BY SRI. S.N.MURTHY SENIOR COUNSEL FOR
SRI. SOMASHEKAR, ADVOCATE FOR R5 AND R6;
SMT. MAMATHA SHETTY, AGA FOR R1 AND R2;
SRI. ZULFI KUMAR SHAFI AND
SRI. LAKSHMINARAYANA REDDY ADVOCATES FOR R4;
SRI. SONA.M.BADIGERE ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-5 & 6 TO
PAY TO THE PETITIONERS SALARIES IN THE PAY SCALES
ADMISSIBLE TO EMPLOYEES WORKING IN CORRESPONDING
POSTS IN GOVT. EDUCATIONAL INSTITUTIONS AND TO GRANT
ALL OTHER CONSEQUENTIAL BENEFITS FLOWING THERE FROM
AND ALSO TO PAY ARREARS OF SALARY IN THE SAID PAY
SCALES FROM THE DATE OF THE PETITIONERS INITIAL
APPOINTMENT ALONG WITH REASONABLE INTEREST.

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



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

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

ORAL ORDER

The petitioners filed these writ petitions seeking the following reliefs:

IN WP No.805/2014:

- i. *ISSUE a writ of mandamus or any other appropriate writ, order or direction to the 5th and 6th respondents to pay to the petitioners salaries in the pay scales admissible to employees working in corresponding posts in Government educational institutions and to grant all other consequential benefits flowing therefrom, and, also, to pay arrears of salary in the said pay scales from the date of the petitioners' initial appointment along with reasonable interest;*
- ii. *ISSUE any appropriate writ, order or direction to the respondents nos. 1-4 to ensure the 5th and 6th respondents properly fix the salary of the petitioners as prayed for above; and*
- iii. *GRANT such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice and equity.*



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

IN WP No.5693/2014:

- a. *WHEREFORE, the petitioners, herein, respectfully pray that this Hon'ble Court be pleased to ISSUE a writ of mandamus or any other appropriate writ, order or direction to the 5th and 6th respondents to pay to the petitioners' salaries in the pay scales admissible to employees working in corresponding posts in Government educational institutions and to grant all other consequential benefits flowing therefrom. and, also, to*
- b. *pay arrears of salary in the said pay scales from the date of the petitioners' initial appointment along with reasonable interest.*
- c. *ISSUE any appropriate writ, order or direction to the respondent no1-4 to ensure the 5th and 6th respondents properly fix the salary of the petitioners as prayed for above; and*
- d. *GRANT such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice and equity.*
- e. *Issue a writ of mandamus directing the respondents to pay regular pay scales on the basis of the state government norms and policies as payable to their counter parts in the government and government institutions or university colleges on the principle of*



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

parity; as prescribed under the Karnataka Education Act and Pharmacy Council of India;

- f. Declare that payment of consolidated salary without payment of the basic salary, increments and other benefits is violative of article 14 and 16 of Constitution of India; and*
- g. Direct the respondents to extend the pay scales of 6th pay and 7th pay commission of the state government to the petitioners as per the C & R rules framed by the management which is in force because of PES university Act of 2012.*

2. Brief facts leading rise to the filing of these petitions are as follows:

The petitioners are working as a permanent non-teaching staff in respondent Pharmacy College which is owned and possessed by respondent No.5. Respondent No.6-College is affiliated to respondent No.4-University and is recognised by respondent Nos.1 to 3. The petitioners have tendered service between 8 to 27 years in respondent No.6-College. Salaries of the petitioners are based on pay-scales which are much lower than the pay-



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

scales of employees working in corresponding posts in Government educational institutions, which is in violation of Rule 5 of the Karnataka Private Educational Institution (Discipline and Control) Rules 1978 as well as Articles 14 and 21 of the Constitution of India. Aggrieved thereby, the petitioners have approached this Court seeking a writ of mandamus directing respondent Nos.5 and 6 to fix their salaries in the pay-scales admissible with employees working in corresponding posts in the Government Educational Institutions. Earlier, these writ petitions came to be allowed vide order dated 29.12.2016. The respondent i.e., PES , respondent Nos.5 and 6 aggrieved by the order dated 29.12.2016, filed writ appeals in WA No.805/2017 connected with WA Nos.806/2017 and 807/2017 before the Division Bench of this Court. The Division Bench, vide judgment dated 11.07.2023, allowed the appeals in part and set aside the order dated 29.12.2016 passed in WP Nos.5673-5780/2014 and remitted the matter to this Court without expressing any



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

opinion on the merits of the contentions raised by both the parties.

3. Sri. S.N.Murthy, learned Senior Counsel for respondent Nos.5 and 6 has primarily raised objections regarding the maintainability of the writ petitions against a private educational institution. He submits that, respondent Nos.5 and 6 are private institutions. He submits that, respondent Nos.5 and 6 are not getting any aid from the Government and they are not discharging any public functions. He submits that, the petitioners have got efficacious remedy under the Industrial Disputes Act. The petitioners have already availed efficacious remedy provided under the Industrial Disputes Act. It is also contended that, the petitioners are not non-teaching employees of any aided institution. He also submits that, AICTE/VTU had not fixed pay-scale for non-teaching staff and the respondent-Institution has got separate service conditions and they are not controlled by any statute. To buttress his arguments, he has placed reliance on the



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

judgment of the Hon'ble Apex Court in the case of **T.M.A. PAI FOUNDATION AND OTHERS VS. STATE OF KARNATAKA AND OTHERS** reported in **(2002) 8 SCC 481**, wherein it was held at paragraph No.161 in answer to Q.5(c) that, "minority institutions in the matter of day-to-day management, like appointment of staff, teaching and non-teaching and administrative control over them, the management should have the freedom and there should not be any external controlling agency". He also submits that the regulations can be framed governing service conditions for teaching and other staffs from whom aid is provided by the State, without interfering with overall administrative control of the management over the staff. The fees to be charged by unaided institutions cannot be regulated, but no institution should charge capitation fee. He submits that the petitioners have got an efficacious remedy and they have availed by filing a petition before the Assistant Labour Commissioner II. He submits that a joint meeting was called by the Assistant Labour



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

Commissioner vide notices dated 12.12.2012 and 07.06.2013. However, the Employees Association later withdrew the dispute before the Assistant Labour Commissioner to Bengaluru with a malafide intention only to file a writ petition under the instigation from the Union and the petitioners have individually approached this Court. Hence, the writ petition filed by the petitioners is not maintainable as they have got an efficacious remedy provided under the Industrial Dispute Act. He also submits that the Government of Karnataka has issued a notification dated 24.01.2017 under the Minimum Wages Act, 1948 for non-teaching employees of the private educational institutions and also notification dated 22.05.2026 vide Annexure-R6G has fixed the minimum wages for non-teaching staff of a private educational institutions. In view of the fixation of minimum wages for non-teaching staff of the Private Educational Institution, it is clear that there can be no claim for payment otherwise than what is fixed under the notification. He submits that the Karnataka



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

Private Educational Institutions (Discipline and Control) Act, 1975 is not applicable to the establishments administered by any University established by law. This confirmation is given to the respondent by Government of Karnataka as per Annexure-R6C. He submits that AICTE, VTU or UGC have not fixed any pay scales for non-teaching employees for the respondent pharmacy and engineering college. He has also placed reliance on the judgment of the Hon'ble Apex Court regarding maintainability of the writ petition in the case of **PRADEEP KUMAR BISWAS Vs. INDIAN INSTITUTE OF CHEMICAL BIOLOGY** reported in **(2002) 5 SCC 111**. He submits that when the control is merely regulatory, whether under statute or otherwise, it would not serve to make the body a State. He also placed reliance on the judgment of the Hon'ble Apex Court in the case of **St. Mary's Education Society and others v. Rajendra Prasad Bhargav and others** reported in **(2023) 4 SCC 498**. He submits that the respondents have got their separate Rules i.e., PES



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

University Rules, 2019 and they are governed by the provisions of PES University Act, statutes, regulations and guidelines governing service conditions of the employees.

4. As per Section 33 (iv) of the PES University Act, 2012 (for short 'the Act of 2012') has empowered the University to prescribe the mode of recruitment, and the terms and conditions of the other officers, teachers and employees of the University. The non-teachings staffs are employed by the University. As such whatever is decided by respondent No.5 with regard to the wages of non-teaching staff would be final and binding cannot be called in question. He submits that the writ petition filed by the petitioner is not maintainable. He submits that the power is given to respondent No.6 under Section 33 of the Rules and Regulations and not by the government. Hence, he submits that the writ petition filed by the petitioner is not maintainable against the private education institution.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

Hence, on these grounds he prays to dismiss the writ petition.

5. Per contra, Sri Lakshmi Narayana, learned Senior counsel appearing for the petitioner submits that the writ petition filed by the petitioner is maintainable. He submits that though the petitioners have approached the Assistant Labour Commissioner, and filed a petition and subsequently they have withdrawn the petition. He submits that respondent Nos.5 and 6 – Institution are governed by the provisions of AICTE and UGC Regulations. He submits that the Chief Secretary to the Government of Karnataka has filed an affidavit before the Hon'ble Apex Court in the case of W.P.(Civil).No.531/2025 stating that all the Private Universities established under the State Enactments are governed by the provisions of the respective Acts, statutes, Rules and regulation as well as the norms and regulations framed by the statutory regulatory body including the University grant commission,



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

All India Council for Technical Education, Dental Council of India, Bar Council of India etc., and other competent regulatory authority. He submits that State Government has categorically affirmed that the private universities are bound to pay salaries to the teaching and non-teachings staffs in accordance with applicable laws, Rules and Regulations as referred to clause 3.4 provides compliance of All India Counsel for technical education and UGC Regulation. He submits that the State Government of Karnataka has enacted the PES University Act, 2012 and Rules made therein as per PES University Rules, 2019, the Rules have been framed and same was published, in the Official Gazette dated 18.12.2019 and the salary of other employees on par with that of the State Government employees in terms of Sub Rule 2 of Rule 3. As per AICTE Regulations framed by AICTE seeking recognition private educational institutions would be governed by the rules framed by the AICTE regarding service conditions of the employees and he refers to Rule 6 i.e., condition for grant



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

of approval. He also refers to the Vishweshwaraia Technical University Act of 1994. The said University is a autonomous university and the pay scale of non-teaching staff shall be payable as per the government policy which rules framed therein that the employees of non-teaching staff have been payable as per the scale.

6. To buttress his arguments he has placed reliance on the order passed by the Hon'ble Apex Court in the case of **AYESHA JAIN Vs. AMITY UNIVERSITY, NOIDA & ORS. IN W.P.No.(CIVIL) No.531/2025**. He submits that when respondent No.6 University is governed by the UGC Regulations and AICTE, hence, the writ petition filed against the private educational Institution is maintainable. He placed reliance on the judgment of the Hon'ble Apex Court in the case of **IVY C.DA CONCEICAO Vs/ STATE OF GOA AND OTHERS** reported in **2017(3) SCC 619**.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

7. The University established under the State the writ is maintainable and Rules will prevail until and unless the rules are not binding. He has also placed reliance on the judgment of the Hon'ble Apex Court in the case of **K.KRISHNAMACHARYULU AND OTHERS Vs. SRI VENKATESHWARA HINDU COLLEGE OF ENGINEERING AND ANOTHER** reported **IN 1997 (3) SCC 571, MARWARI BALIKA VIDYALAYA Vs. ASHA SRIVASTAVA** reported in **2020(14) SCC 449**. The pay scale are governed by the recognition and given an undertaking. He submits that the respondents filed an affidavit stating that they accepted the AICTE Regulation in part as well as regarding wages is concerned they have not accepted. He submits that the respondent-University cannot accept regulations in part and can decline to accept the remaining part of the regulations. Hence, on these grounds, he prays to hold that the writ petition filed by the petitioners is maintainable.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

8. Perused the records and considered the submissions of the learned counsel for the parties.

9. It is an undisputed fact that the petitioners are working in the respondent No.5-Institution. The petitioners have been appointed in various non-teaching staffs post in respondent No.6-Pharmacy College from 1993 to 2011. The current pay scales and allowances in the Government Educational Institutions are based on the recommendation of the official pay committee 2011. The said recommendation have been accepted by the State Government by its order No.FD7SRP2012 dated 21.04.2012. The petitioners made a several request including the written representation dated 29.10.2013 to respondent Nos.3 and 4 to fix their salary on pay scale of the employment in equivalent post in the Government Educational Institution. However, the said respondents have not heeded to the request made by the petitioners. Hence, the petitioners filed this writ petition seeking for



CNR: KAHC010070522014

**NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014**

mandamus directing respondent Nos.5 and 6 to pay to the petitioners' salary in pay scales admissible to the employees working in corresponding post in government educational institutions and to grant all other consequential benefits while there from and also to pay the arrears of salary in the pay scale from the date of petitioner initial appointment along with reasonable interest. Respondent Nos.5 and 6 filed the statement of objections and additional statement of objections contending that respondent No.6-College is an independent institution and not affiliated to PES University of 2023-24. The respondent No.6 college is now affiliated to PES University as per decision letter of pharmacy council of India. Section 40 of PES University Act, 2012 provides for condition of service of the staff of the University. The Government of Karnataka vide notification dated 19.11.2013 directed the PES University to make statue and regulations within a period of three months from the date of said notification and accordingly, the



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

University has made a statue of PES University Act, 2012 on 05.02.2014. In this regulations chapter VII Regulation 34 provides for formation of regulations and guidelines for the service conditions of the University. The PES University published guidelines governing the service conditions of the employees of the University in 2014 and same was notified by the University on 05.02.2024. Guidelines 24 provides for criteria for the employment and scales of pay as per PES University norms. Accordingly, PES Universities Regulations pay scales are made applicable to non teaching staffs.

10. The question involved in this instant writ petition is whether the writ petition filed by the petitioners against the private University is maintainable and the Private University falls within the preview of the "State" as defined under Article 12 of the Constitution of India?



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

11. Admittedly, respondent No.5 is a minority institution established for the benefit of students speaking Telugu language and to promote the Telugu language and culture as per the objectives mentioned in bye-laws. The Hon'ble Apex Court in the case of T.M.A. Pai Foundation Vs. State of Karnataka reported in (2002) 8 SCC 481 has framed the question No.5 (c) which reads as follows:

Q.5(c) Whether the statutory Provisions which regulate the facets of administration like control over educational agencies, control over governing bodies, conditions of affiliation including recognition/withdrawal thereof, and appointment of staff, teachers and Principals including their service conditions and regulation of fees, etc. would interfere with the right of administration of minorities?

A. So far as the statutory provisions regulating the facets administration is concerned, in case of an unaided minority educational institution, the regulatory measure of control should be minimal and the conditions of recognition as well as conditions of affiliation to an University or Board have to be complied with, but in the matter of day-to-day Management, like appointment of staff, teaching and non-teaching and administrative control over them, the Management should have the freedom and there should not be any external controlling agency.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

However, a rational procedure for selection of teaching staff and for taking disciplinary action has to be evolved by the Management itself. For redressing the grievances of such employees who are subjected to punishment or termination from service, a mechanism will have to be evolved and in our opinion, appropriate tribunals could be constituted, and till then, such tribunal could be presided over by a Judicial officer of the rank of District Judge. The state or other controlling authorities, however, can always prescribe the minimum qualifications, salaries, experience and other conditions bearing on the merit of an individual for being appointed as a teacher of an educational institution.

12. Further Hon'ble Apex Court in the case of **PRADEEP KUMAR BISWAS VS. INDIAN INSTITUTE OF CHEMICAL BIOLOGY & ORS.** reported in **2022 (5) SCC 111** comprising of seven judges bench the Hon'ble Apex Court had an occasion to consider whether the Indian Institute of Chemical biology is not a State. The Hon'ble Apex Court held in para No.40 which reads as follows:

40. The picture that ultimately emerges is that the tests formulated in Ajay Hasia are not a rigid set of principles so that if a body falls within any one of them it must, ex hypothesi, be considered to be a State within the meaning of Article 12. The question in each case would be



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

whether in the light of the cumulative facts as established, the body is financially, functionally and administratively dominated by or under the control of the Government. Such control must be particular to the body in question and must be pervasive. If this is found then the body is a State within Article 12. On the other hand, when the control is merely regulatory whether under statute or otherwise, it would not serve to make the body a State.

(Emphasis Supplied)

13. From the perusal of the judgment passed in the aforesaid case it clearly discloses that if the institution under the control is regulatory, whether under the statute or otherwise, it would not serve to make the body a State as defined under Article 12 of the Constitution.

14. Learned Senior counsel appearing for the petitioner submits that respondent Nos.5 and 6 are governed by AICTE Regulations. The said regulations are regulatory in nature under the statute. Respondent Nos.5 and 6 are under the statute of UGC and AICTE it does not fall within the body of the "State".



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

15. The judgment relied upon by the learned Senior counsel for respondent Nos.5 and 6 is aptly applicable to the case on hand. Further, the Hon'ble Apex Court in the case of **ST. MARYS EDUCATION SOCIETY AND OTEHRS VS RAJENDRA PRASAD BHARGAVA AND OTHERS** reported in **(2023) 4 SCC 498** held in para Nos.67 and 68, which reads as follows:

67. Our present judgment would remain incomplete if we fail to refer to the decision of this Court in the case of Ramakrishnan Mission v. Kago Kunya, (2019) 16 SCC 303. In the said case this Court considered all its earlier judgments on the issue. The writ petition was not found maintainable against the Mission merely for the reason that it was found running a hospital, thus discharging public functions/public duty. This Court considered the issue in reference to the element of public function which should be akin to the work performed by the State in its sovereign capacity. This Court took the view that every public function/public duty would not make a writ petition to be maintainable against an "authority" or a "person" referred under Article 226 of the Constitution of India unless the functions are such which are akin to the functions of the State or are sovereign in nature. Few relevant paragraphs of the said judgment are quoted as under for ready reference: "17. The basic issue before this Court is whether the functions performed by the hospital are public functions, on the basis of which a writ of mandamus can lie under Article 226 of the Constitution.

18. The hospital is a branch of the Ramakrishna Mission and is subject to its control. The Mission was established by Swami Vivekanand, the foremost disciple of Shri Ramakrishna Paramhansa. Service to humanity is for the organisation coequal with service to God as is reflected in the motto "Atmano Mokshartham Jagad Hitaya Cha". The



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

main object of the Ramakrishna Mission is to impart knowledge in and promote the study of Vedanta and its principles propounded by Shri. Ramakrishna Paramahansa and practically illustrated by his own life and of comparative theology in its widest form. Its objects include, inter alia to establish, maintain, carry on and assist schools, colleges, universities, research institutions, libraries, hospitals and take up development and general welfare activities for the benefit of the underprivileged/backward/tribal people of society without any discrimination. These activities are voluntary, charitable and nonprofit making in nature. The activities undertaken by the Mission, a nonprofit entity are not closely related to those performed by the State in its sovereign capacity nor do they partake of the nature of a public duty.

19. The Governing Body of the Mission is constituted by members of the Board of Trustees of Ramakrishna Math and is vested with the power and authority to manage the organisation. The properties and funds of the Mission and its management vest in the Governing Body. Any person can become a member of the Mission if elected by the Governing Body. Members on roll form the quorum of the annual general meetings. The Managing Committee comprises of members appointed by the Governing Body for managing the affairs of the Mission. Under the Memorandum of Association and Rules and Regulations of the Mission, there is no governmental control in the functioning, administration and day to day management of the Mission. The conditions of service of the employees of the hospital are governed by service rules which are framed by the Mission without the intervention of any governmental body.

20. In coming to the conclusion that the appellants fell within the description of an authority under Article 226, the High Court placed a considerable degree of reliance on the judgment of a two Judge Bench of this Court in *Andi Mukta* [*Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani*, (1989) 2 SCC 691]. *Andi Mukta* [*Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani*, (1989) 2 SCC



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

691] was a case where a public trust was running a college which was affiliated to Gujarat University, a body governed by the State legislation. The teachers of the University and all its affiliated colleges were governed, insofar as their pay scales were concerned, by the recommendations of the University Grants Commission. A dispute over pay scales raised by the association representing the teachers of the University had been the subject matter of an award of the Chancellor, which was accepted by the government as well as by the University. The management of the college, in question, decided to close it down without prior approval. A writ petition was instituted before the High Court for the enforcement of the right of the teachers to receive their salaries and terminal benefits in accordance with the governing provisions. In that context, this Court dealt with the issue as to whether the management of the college was amenable to the writ jurisdiction. A number of circumstances weighed in the ultimate decision of this Court, including the following:

20.1. The trust was managing an affiliated college.

20.2. The college was in receipt of government aid.

20.3. The aid of the government played a major role in the control, management and work of the educational institution.

20.4. Aided institutions, in a similar manner as government institutions, discharge a public function of imparting education to students.

20.5. All aided institutions are governed by the rules and regulations of the affiliating University.

20.6. Their activities are closely supervised by the University.

20.7. Employment in such institutions is hence, not devoid of a public character and is governed by the decisions taken by the University which are binding on the management.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

21. It was in the above circumstances that this Court came to the conclusion that the service conditions of the academic staff do not partake of a private character, but are governed by a right duty relationship between the staff and the management. A breach of the duty, it was held, would be amenable to the remedy of a writ of mandamus. While the Court recognised that "the fast expanding maze of bodies affecting rights of people cannot be put into watertight compartments", it laid down two exceptions where the remedy of mandamus would not be available : (SCC p. 698, para 15)

'15. If the rights are purely of a private character no mandamus can issue. If the management of the college is purely a private body with no public duty mandamus will not lie. These are two exceptions to mandamus."

22. Following the decision in *Andi Mukta*, this Court has had the occasion to revisit the underlying principles in successive decisions. This has led to the evolution of principles to determine what constitutes a "public duty" and "public function" and whether the writ of mandamus would be available to an individual who seeks to enforce her right.

25. A similar view was taken in *Ramesh Ahluwalia v. State of Punjab*, where a two Judge Bench of this Court held that a private body can be held to be amenable to the jurisdiction of the High Court under Article 226 when it performs public functions which are normally expected to be performed by the State or its authorities.

26. In *Federal Bank Ltd. v. Sagar Thomas*, this Court analysed the earlier judgments of this Court and provided a classification of entities against whom a writ petition may be maintainable : (SCC p. 748, para 18)

'18. From the decisions referred to above, the position that emerges is that a writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State (Government); (ii) an authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function."

16. The petitioner has produced the regulations issued by the University Grants Commission i.e., UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003. From the perusal of the Regulation it clearly defines "private University" means a university duly established through a State/Central Act by a sponsoring body viz, a Society registered under the Societies Registration Act, 1860, or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956.

17. Further Regulation 3.3.3. if the functioning of the said centre(s) remains unsatisfactory, the private University shall be instructed by the UGC to close down the said centre(s), which shall be binding on the



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

university. In such a situation, the interests of the students already enrolled therein shall be protected.

3.4. A private university shall fulfil the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability, etc., as laid down from time to time by the UGC and other concerned statutory bodies such as the All India Council for Technical Education (AICTE), Bar Council of India (BCI), Distance Education Council (DEC), Dental Council of India (DCI), Indian Nursing Council (INC), Medical Council of India (MCI), National Council for Teacher Education (NCTE), Pharmacy Council of India (PCI), etc.

18. From the perusal of the UGC Regulation the University Regulation, 2023 does not provide regarding payment of salary to the teaching and non-teaching staff of the Private University. The petitioner has produced UGC (Affiliation of Colleges by Universities) Regulations, 2009



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

provides Eligibility Criteria for Temporary Affiliation i.e.,
Regulation 3.

3.4.5 provides that to the effect that the members of the teaching and non-teaching staff shall be regularly and fully paid in the pay scales along with applicable allowances as per the pay scales prescribed by the UGC/Central/State Govt. as the case may be, from time to time.

19. From the perusal of the definition of the College as per Regulation 2.2. provides that "college" means any institution, whether known as such or by any other name which provides for a programme of study beyond 12 years of schooling for obtaining any qualification from a university and which, in accordance with the rules and regulations of the university, is recognized by the UGC as competent to provide for such programme of study and present students undergoing such programme of such for the examination for the award of such qualification.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

20. The UGC (Affiliation of Colleges offering Technical Education by Universities) Regulations, 2014 provides appointment of Principal and teaching staff in newly affiliated technical colleges i.e., Regulation No.2.2.8, which reads as follows:

2.2.8.1 New technical colleges granted letter of affiliation and the existing technical colleges granted affiliation for introduction of new programme(s), shall comply with appointment of teaching staff and Principal as the case may be, as per relevant UGC Regulations regarding minimum qualifications and pay scale etc., and other technical supporting staff and administrative staff as per the schedule prescribed by the university. Technical colleges shall appoint supporting technical and administrative staff strictly in accordance with the methods and procedures of the affiliating university, State Government concerned.

The information about appointments of staff in the prescribed format shall also be uploaded on the web portal of University.

In no circumstances, unless the appointment of all teaching and other staff is in place, the technical colleges shall start the course.

21. The petitioners have produced the Visvesvaraya Technological University, Belagavi Statutes on Autonomous Colleges (Amended), 2018 it provides that all



CNR: KAHC010070522014

**NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014**

the Regulations notifications framed by the UGC/AICTE/State Government/University from time to time shall be followed in letter and spirit by all the Autonomous Colleges and an undertaking to this effect shall be uploaded on the College website.

22. Admittedly, respondent No.5 is a Private University. The said University was established as per notification dated 16.05.2013 issued by the Parliamentary Affairs and Legislation Secretariat and also the Karnataka Act No.16/2013 first published in the Karnataka Gazette Extra-ordinary on 07.02.2013 and the PES University Act, 2012 received the assent of the Governor on 05.02.2013 and notification from Karnataka Government Secretariat, Higher Education Department, MS Building dated 19.11.2013.

23. As per PES University Act, 2013 Section 40 of the which reads as follows:



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

40. Conditions of service of employees.- (1) Every employee shall be appointed under a written contract subject to such terms and conditions as may be specified by statutes and regulations or prescribed if any by rules which shall be kept in the University and a copy of which shall be furnished to the employee concerned. (2) Disciplinary action against the employees shall be governed by the procedure specified in the Statutes. (3) Any dispute arising out of the contract between the University and an employee shall, be resolved in the manner provided for in the written contract and in accordance with the Statues.

24. Sub Section 3 of Section 40 of the Act of 2013,
which reads as under:

(3) Any dispute arising out of the contract between the University and an employee shall, be resolved in the manner provided for in the written contract and in accordance with the Statues.

25. The University has also enacted the Rules as
PES University, Rules 2019 Rule 3 provides:

Rule - 3. Salary and Allowances and Conditions of Service of Officers and employees of the University-

(1) The salary and allowances payable to the teaching faculty shall be on par with the U.G.C Pay scales.

(2) The salary and allowances of other employees shall be on par with the other State Government Employees of equivalent rank.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

(3) The method of recruitment of teaching staff shall be in accordance with the U.G.C regulations issued from time to time in respect of non-teaching staff shall be in accordance with merit and with recruitment policy of State Government as the case may be.

26. The Rules provide for the salary and allowances payable to the other employees shall be on par with the State Government employees of equivalent rank. However if there is any dispute in regard to the payment of salary, the petitioners have to avail the remedy provided as per sub Section 3 of the Section 40 of the Act of 2013.

27. Admittedly, in the instant case, the petitioners have already approached the Assistant Labour Commissioner and raised a dispute before the Assistant Labour Commissioner. The petitioner simultaneously filed a writ petition. Admittedly, the respondent University is a minority institution the Government is not a stake holder and the University is not receiving any aid from the Government.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

28. In view of the proposition of law laid down by the Hon'ble Apex Court in the case of **TEKRAJ VASANDI ALIAS K.L. BASANDHI VS UNION OF INDIA & OTHERS** reported in **(1988) 1 SCC 236** held that in para No.3, which reads as follows:

*The main question for consideration now, therefore, is whether ICPS is 'State'. For appropriate consideration of this question it is necessary to look into the constitution of the body, the purpose for which it has been created, the manner of its functioning including the mode of its funding and the broad features which have been found by this Court in several decisions to be relevant in the matter of determining a dispute of this type. Article 12 of the Constitution provides an inclusive definition of the term 'State' by saying:
"In this part, unless the context otherwise requires, 'the State' includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India."*

29. Admittedly, in the instant case, the University/College was neither an agency nor an instrumentality of the Government and did not constitute 'State' within the meaning of Article 12.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

30. In the case of **CHANDER MOHAN KHANNA V. THE NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING (NCERT) AND ORS.**, reported in **AIR 1992 SC 76**, the Hon'ble Supreme Court had an occasion to consider whether the National Council of Educational Research and Training is "State" as defined under Article 12 of the Constitution? This is the only question that calls for decision in this appeal. The appellant was an employee of the NCERT. His services were terminated by the Secretary of NCERT. Challenging the termination he moved to the Delhi High Court under Article 226 of the Constitution. The NCERT raised a preliminary objection as to the maintainability of the writ petition. The objection was that the NCERT is not amenable to the writ jurisdiction of the High Court as it is not an instrumentality or other authority within the meaning of Article 12 of the Constitution. The High Court has upheld the preliminary objection and dismissed the writ petition.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

31. The Hon'ble Apex Court in the case of **FEDERAL BANK LTD., Vs. SAGAR THOMAS AND OTHERS** reported in **AIR 2004 SC 3264** held that held that a private company carrying on banking business as a scheduled bank, cannot be termed as an institution or company carrying on any statutory or public duty. A private body or a person may be amenable to writ jurisdiction only where it may become necessary to compel such body or association to enforce any statutory obligations or such obligations of public nature casting positive obligation upon it. We don't find such conditions are fulfilled in respect of a private company carrying on a commercial activity of banking. Merely regulatory provisions to ensure such activity carried on by private bodies work within a discipline, do not confer any such status upon the company nor puts any such obligation upon it which may be enforced through issue of a writ under Article 226 of the Constitution.

32. Admittedly, in the instant case, learned Senior Counsel appearing for the petitioners submitted that the



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

respondent-University are bound by the Regulations of AICTE and UGC which provides for payment of salary to the teaching and non-teaching staffs. AICTE Regulations and UGC are regulated by the PES University. Admittedly, the said university is a private university does not qualify as the State or Instrumentality of the State under Article 12 of the Constitution, making private employment disputes. Admittedly, the dispute between the petitioners and the respondents is in regard to the payment of salary. The said dispute is unmaintainable as the University is a private university and does not qualify as the State or Instrumentality of the State.

33. The Hon'ble Apex Court in the case of **BINNY LTD., AND ANOTHER Vs. V.SADASIVAN AND OTHERS** reported in **2005 (6) SCC 657** held that under the powers of judicial review by the High Court, a public action alone could have been challenged and the decision to terminate the service of an employee on the ground that his services



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

were unsatisfactory does not have any public law element and, therefore, the High Court has rightly rejected the contentions advanced by the appellant therein. The Hon'ble Apex Court also held in para No.23 and 24, which reads as follows:

*23. The counsel for the respondent in Civil Appeal No. 1976 of 1998 and for the appellant in the civil appeal arising out of SLP(Civil) No. 6016 of 2002 strongly contended that irrespective of the nature of the body, the writ petition under Article 226 is maintainable provided such body is discharging a public function or statutory function and that the decision itself has the flavour of public law element and they relied on the decision of this Court in *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust & Ors. Vs. V.R. Rudani & Ors* (1989) 2 SCC 691. In this case, the appellant was a Trust running a science college affiliated to the Gujarat University under Gujarat University Act, 1949. The teachers working in that college were paid in the pay scales recommended by the University Grants Commission and the college was an aided institution. There was some dispute between the University Teachers Association and the University regarding the fixation of their pay scales. Ultimately, the Chancellor passed an award and this award was accepted by the State Govt. as well as the University and the University directed to pay the teachers as per the award. The appellants refused to implement the award and the respondents filed a writ petition seeking a writ of mandamus and in the writ petition the appellants contended that the college managed by the Trust was not an "authority" coming within the purview of Article 12 of the*



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

Constitution and therefore the writ petition was not maintainable. This plea was rejected and this Court held that the writ of mandamus would lie against a private individual and the words "any person or authority" used in Article 226 are not to be confined only to statutory authorities and instrumentalities of the State and they may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed, if a positive obligation exists, mandamus cannot be denied.

24. The above decision cannot be applied to the facts of this case. It is important to note that the college was an aided institution and imparting education to students. These facts are specifically stated in paragraph 15 of the judgment. It was in this background that this Court held that there was a public law element in the matter involved therein and that the college authorities were bound to pay salary and allowances to the teachers. The said case did not emanate from a contract of employment between the workers and the private body. For that reason, the Rudani's case cannot be applied to the facts of the present case.

34. Admittedly, in the instant case, there is a dispute in regard to the payment of salary to the petitioners by the respondents. As observed above, the petitioners have already approached the Assistant Labour Commissioner and exhausted the efficacious remedy



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

provided under the Act. The petitioner cannot file a writ for mandamus seeking for payment of salary. The said dispute is arising out of contract between the petitioners and the respondents. It is settled law that in a contract matter, the scope of interference in the writ by the Court under Article 226 of the Constitution of India is very limited.

35. The Hon'ble Apex Court in the case of **JATYA PAL SINGH Vs. UNION OF INDIA** reported in **2013(6) SCC 452** held that the Former Employees of VSNL challenged their termination, arguing that because VSNL was once a Public Sector Undertaking (PSU) carrying out telecommunication services, it remained an "authority" obligated to uphold fundamental rights under Article 12. The Supreme Court held that Videsh Sanchar Nigam Ltd., (VSNL), following its privatization and acquisition by the Tata Group, is no longer considered a "State" or "other authority" under Article 12 of the Constitution. Consequently, it is no longer amenable to writ jurisdiction.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

36. The Hon'ble Apex Court in the case of **RAMAKRISHNA MISSION VS. KAGO KUNYA** reported in **AIR 2019 SC 5570** has observed that the Ramakrishna Mission operated a hospital in Itanagar, Arunachal Pradesh. A dispute arose, and a writ petition was filed in the Gauhati High Court against the Mission. The Single Judge ruled that the Mission fell under the category of "State", within the meaning of Article 12 of the Constitution. A Division Bench of the High Court modified this stating that it may not be a 'State' within the meaning of Article 12, the hospital performed a public duty and was therefore amenable to writs under Article 226. It also held that private hospitals performing charitable services do not engage in "public functions" and are not subject to Article 226 writ jurisdiction for employment disputes.

(Emphasis Supplied).

37. The Supreme Court concluded that the Ramakrishna Mission and its hospital are not "State" under



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

Article 12 or an "authority" under Article 226. The Court ruled that service disputes with private charitable bodies do not involve public law duties, making writ petitions unmaintainable.

38. The Hon'ble Apex Court in the case of **ST. MARY'S EDUCATION SOCIETY VS. RAJENDRA PRASAD BHARGAVA** reported in **(2023) 4 SCC 498** held that the employees of private, unaided educational institutions cannot use writ petitions (Article 226) to challenge service disputes. Private employment contracts lack the "public law element" required for judicial review. The writ petition was ordered to be dismissed in limine holding that the said educational institution being an unaided and a private school managed by the society cannot be said to be an instrument of the State. The employment terms of non-teaching/administrative staff are purely internal arrangements. Employing a specific individual for internal management has no direct connection to the institution's



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

public obligation to impart education. The disputes action must have a public law character. If an employee's termination stems from the internal management or a private service contract with no statutory force, no writ of mandamus can be issued. Further the Hon'ble Apex Court in the case of St.Marry's Education Society observed that the writ petitions for everyday private service/employment disputes would flood courts and incorrectly blur the lines between public and private law.

39. The Hon'ble Apex Court in the case of **K.KRISHNAMACHARYULU AND OTHERS VS. SHRI VENKATESWARA HINDU COLLEGE OF ENGINEERING AND ANOTHER** reported in **(1997)2 SCR 368** held that the issue of writ of mandamus by the Court against the private educational institution like the first respondent herein would be justified only if a public law element is involved and if it is only a private law remedy no Writ Petition would lie.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

40. The Hon'ble Apex Court in the case of **SATIMBLA SHARMA AND OTHERS Vs. ST. PAUL SR.SECONDARY SCHOOL AND OTHERS** reported in **2011(13) SCC 760** held in para Nos.23 and 24, which reads as follows:

23. We also do not think that the Court could issue a mandamus to a private unaided school to pay the salary and allowances equal to the salary and allowances payable to teachers of Government schools or Government aided schools. This is because the salary and allowances of teachers of a private unaided school is a matter of contract between the school and the teacher and is not within the domain of public law.

24. In Sushmita Basu & Ors. v. Ballygunge Siksha Samity & Ors. [(2006) 7 SCC 680], the teachers of a recognized private school known as Ballygunge Siksha Sadan in Calcutta filed a Writ Petition in the High Court of Calcutta praying for issuance of writ of mandamus directing the authorities of the school to fix the salary of teaching and non-teaching staff of the school and to remove all anomalies in the scales of pay as recommended by the Third Pay Commission as extended to other Government aided schools and Government schools and this Court held that in the absence of statutory provision no such direction can be issued by the High Court under Article 226 of the Constitution.

41. Admittedly, the dispute is in regard to the payment of salary between the college/University and



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

non-teaching staff. The dispute is strictly a private contract between the petitioners and the respondents. It is outside the domine of public law.

42. Learned Senior counsel appearing for the petitioners' placed reliance on the judgment of the Hon'ble Apex Court in the case of **BCCI v. CRICKET ASSOCIATION OF BIHAR AND OTHERS** reported in **(2015) 3 SCC 251** at para No.33 reads as follows:

The majority view thus favours the view that BCCI is amenable to the writ jurisdiction of the High Court under Article 226 even when it is not "State" within the meaning of Article 12. The rationale underlying that view if we may say with utmost respect lies in the "nature of duties and functions" which BCCI performs. It is common ground that the respondent Board has a complete sway over the game of cricket in this country. It regulates and controls the game to the exclusion of all others. It formulates rules, regulations, norms and standards covering all aspects of the game. It also held at para 34 that the functions of the Board are clearly public functions, which, till such time the State intervenes to takeover the same.

43. Admittedly, in the instant case, the respondent University is not discharging any public functions.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

44. The petitioners have also placed reliance on the judgment of the Hon'ble Apex Court in the case of **MARWARI BALIKA VIDYALAYA Vs. ASHA SRIVASTAVA AND OTHERS** reported in **(2020)14 SCC 449** held that "any person or authority used to Article 226 cannot be confined only to statutory authorities or instrumentalities of the State, but may cover any other person or body performing public duty".

45. Admittedly in the said case the private school was receiving grant in aid to the extent of DA. Admittedly in the instant case the respondent in your city/college are not receiving any grant in aid. Hence the judgment relied upon by the learned Senior counsel for the petitioners is not applicable to the case on hand.

46. The petitioners have also placed a reliance on the judgment of Hon'ble Apex Court in the case of **JANET JEYAPPAUL Vs. SRM UNIVERSITY AND OTHERS** reported in **(2015) 16 SCC 350**.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

47. From the perusal of the judgment, it is clear that the Hon'ble Apex Court has entertained the writ petition solely on the ground that the learned single judge while disposing of the writ petition not only observed that the writ petition allowed on merits, wherein the Division Bench has held that the writ petitions are not maintainable. Thus on the ground that the learned single judge has entertained the writ petition on merits. Thus the Supreme Court did not directed the parties to approach the Tribunal.

48. Admittedly in the instant case the petitioners have already approached the Assistant Labor Commissioner and the said issue is pending before the Assistant Labor Commissioner. The facts involved in the said case does not apply to the case on hand.

49. He has also placed reliance on the judgment of the Hon'ble Apex Court in the case of **RUNGTA ENGINEERING COLLEGE, BHILAI AND ANOTHER VS.**



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

CHHATISGARH SWAMI VIVEKANANDA TECHNICAL UNIVERSITY

AND ANOTHER reported in **(2015) 11 SCC 291** held in para No.B that "the power and function of AICTE provided under 1987 Act enacted under Schedule VII List 1 entry 66 No State law can overlap or stipulate norms of higher standards on the area covered by the Central Act. Thus, norms and guidelines framed by AICTE are paramount and university regulations cannot override it."

50. From the perusal of AICTE, the AICTE regulation doesn't provide regarding payment of salary. The said judgment relied upon by the learned Counsel for the petitioners is not applicable.

51. The learned Senior Counsel placed reliance on the judgment of the Hon'ble Apex Court in **FRANK ANTHONY PUBLIC SCHOOL EMPLOYEES ASSOCIATION Vs. UNION OF INDIA AND OTHERS** reported in **(1986) 4 SCC 707** held in para 23, which reads as follows:

We must refer to the submissions of Mr. Frank Anthony regarding the excellence of the institution



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

and the fear that the institution may have to close down if they have to pay higher scales of salary and allowances to the members of the staff. As we said earlier the excellence of the institution is largely dependent on the excellence of the teachers and it is no answer to the demand of the teachers for higher salaries to say that in view of the high reputation enjoyed by the institution for its excellence, it is unnecessary to seek to apply provisions like Section 10 of the Delhi School Education Act to the Frank Anthony Public School. On the other hand, we should think that the very contribution made by the teachers to earn for the institution the high reputation that it enjoys should spur the management to adopt at least the same scales of pay as the other institutions to which Section 10 applies. Regarding the fear expressed by Shri Frank Anthony that the institution may have to close down we can only hope that the management will do nothing to the nose to spite the face, merely to 'put the teachers in their proper place'. The fear expressed by the management here has the same ring as the fear expressed invariably by the management of every industry that disastrous results would follow which may even lead to the closing down of the industry if wage scales are revised.

52. From the perusal of the judgment passed by the Hon'ble Apex Court, it is clear that the management of the minority educational institution cannot be permitted under the guise of a fundamental right guaranteed by Article 31 of the Constitution, to oppress, exploit its employees any



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

more than any other private employees, is bound to lead, inevitability or to discontent and deterioration of the standard of instructions imparted in the institution. Admittedly in the instant case the University has framed the Act and Rules. The petitioners have not challenged the Acts and Rules regulations framed by the University. Hence the judgment relied upon by the Learned counsel for the petitioner is not applicable to the case on hand.

53. Learned counsel for the petitioner submit that the respondent university/college are liable to pay salary and allowances to the non-teaching staff on par with the State Government employees of equivalent rank. If that is so the petitioners have got efficacious remedy under the Industrial dispute Act. Already the petitioners have already approached the Assistant Labour Commissioner. In view of the same the respondent No.5 is a minority institution established for the benefit of the students of Telugu language and to promote the Telugu language. The



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

university is having control and management like appointment of a staff, teaching and non-teaching and the management have freedom and the regulations framed by the University, governing service conditions for teaching and other staffs. As the petitioners are having efficacious remedies provided under the industrial dispute Act, 1947.

54. In view of the proposition laid down by the Hon'ble Apex Court in the case of **RIKHAB CHAND JAIN VS UNION OF INDIA** reported in **2025 INSC 1337**, it was held that when equal efficacious remedy is available to the petitioner and hence, the writ is not maintainable. Hence on these grounds, the writ petition filed by the petitioners is not maintainable.

55. Accordingly I proceed to pass the following:

ORDER

- i. W.P.No.805/2014 and W.P.No.5693/2014
are ***dismissed***.



CNR: KAHC010070522014

NC: 2026:KHC:41320
WP No. 805 of 2014
C/W WP No. 5693 of 2014

- ii. The liberty is reserved to the petitioners to pursue their grievance before the appropriate Authority, if so desired.
- iii. All the contentions of the parties are kept open.
- iv. Pending application/s, if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

PA, SSB