



CNR: KAHC010076972026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REVIEW PETITION NO. 45 OF 2026

BETWEEN:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF PRIMARY
AND SECONDARY EDUCATION,
VIDHANA SOUDHA,
BENGALURU 560001,
REPRESENTED BY ITS SECRETARY.
2. THE COMMISSIONER FOR
PUBLIC INSTRUCTIONS,
NEW PUBLIC OFFICE,
NRUPATHUNGA ROAD,
BENGALURU 560001.
3. THE DIRECTOR (SECONDARY EDUCATION),
DEPARTMENT OF EDUCATION,
OFFICE OF THE COMMISSIONER
FOR PUBLIC INSTRUCTIONS,
NRUPATHUNGA ROAD,
BENGALURU 560 001.
4. THE JOINT DIRECTOR (ADMINISTRATION),
DEPARTMENT OF EDUCATION,
OFFICE OF THE COMMISSIONER
FOR PUBLIC INSTRUCTION,

Digitally
signed by
JUANITA
THEJESWINI

Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:47359-DB
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NRUPATUNGA ROAD,
BENGALURU 560001.

5. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS,
DAVANAGERE,
DAVANAGERE DISTRICT - 577 006.
6. THE BLOCK EDUCATION OFFICER
SCHOOL EDUCATION DEPARTMENT,
HARIHARA, HARIHARA TALUK,
HARIANAGERE DISTRICT - 577601.
7. THE HEAD MASTER,
GOVERNMENT HIGH SCHOOL,
KOKKANURU, HARIHARA TALUK,
DAVANAGERE DISTRICT - 577 530.
8. THE BLOCK EDUCATION OFFICER,
SCHOOL EDUCATION DEPARTMENT,
CHANNAGIRI, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213.
9. THE HEAD MASTER,
GOVERNMENT HIGH SCHOOL,
YULODHAHALLI VILLAGE,
DHAGINAKATTE POST,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 501.

...PETITIONERS

(BY SRI. V.SHIVA REDDY AGA)

AND:

SRI RAVIKUMAR G,
S/O. GEMYA NAIKA,
AGED ABOUT 51 YEARS,
WORKING AS ASSISTANT TEACHER,
GOVERNMENT HIGH SCHOOL,



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KOKKANURU, HARIHARA TALUK,
DAVANAGERE DISTRICT - 577601.

...RESPONDENT

(BY SRI. MURALI B.S., ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO REVIEW THE IMPUGNED ORDER DATED 21.04.2025 PASSED IN WRIT PETITION NO.34892/2024 (S-KSAT), TO MEET THE ENDS OF JUSTICE AND EQUITY AND DISMISS THE SAME BY ALLOWING THIS REVIEW PETITION, BECAUSE ERROR APPARENT ON THE FACE OF THE ORDER THAT THIS HON'BLE COURT WHILE DIRECTING TO FIX PAY AND SENIORITY WHICH IS CONTRARY TO ORDER THAT PAY AND SENIORITY WHICH IS CONTRARY TO THE HONBLE APEX COURT VERDICT AND PASS ANY APPROPRIATE ORDERS IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This review petition is filed by the State along with the Commissioner of Public Instructions and other Officers of the department seeking to review the order dated 21.04.2025 passed in W.P.No.34892/2024.



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2. There is a delay of 254 days in filing the review petition. We therefore heard the learned Additional Government Advocate appearing for the review petitioner on the application in I.A.No.1/2026 filed for condonation of delay while also hearing the learned Additional Government Advocate on the merits of the matter. We have also heard the learned Counsel for the respondent.

3. Learned Additional Government Advocate submitted, in respect of the application for condonation of delay, while taking this Court through the Affidavit filed by the Joint Director, Department of School Education, where it is stated that although the decision was rendered by the co-ordinate Bench of this Court on 21.04.2025 and the certified copy was received on 07.05.2025 from the office the learned Advocate General, the Government issued the Government Order for filing the review petition on 22.01.2026 and the same was communicated to the office of the learned Advocate General on 23.01.2026 and this review petition is filed on 30.01.2026.



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4. It is stated in the Affidavit that the delay in filing the review petition is due to bonafide reasons beyond the control of review petitioner and the same is not deliberate or willful. However, the learned Counsel for the respondent has drawn the attention of this Court to Annexure-R5, which is filed along with the statement of objections to the application for condonation of delay. Annexure-R5 is a communication dated 06.06.2025 made by the Director (Secondary Education) to the Joint Director-1, Bengaluru Division, where the Director has clearly stated that in terms of the directions issued by this Court in W.P.No.34892/2024, dated 21.04.2025, since necessary action is to be taken by the appointing authority in accordance with the Rules so as to implement the order passed by this Court, the Director further directed the Joint Director to either implement the order, if the same are in accordance with the Rules or to prefer writ appeal and in no circumstances the Government should invite contempt



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proceedings and accordingly the Joint Director was directed to report the action taken to the Director.

5. Learned Counsel for the respondent would therefore submit that the Affidavit filed by the Joint Director does not contain any of the aforementioned information which would be relevant for consideration of the application for condonation of delay. Learned Counsel for the respondent would further hasten to add that the pursuant to the orders passed by this Court on 21.04.2025, where a writ of mandamus was issued to reckon the services of the respondent w.e.f., 10.11.1998 for all practical purposes including Seniority List and it was also directed that the order should be implemented and reported to the Registrar General after informing the writ petitioner, within an outer limit of 3 months. The respondent waited for the period of 3 months to elapse and since no action was taken by the review petitioner-State and its authorities, the respondent filed a contempt petition on 22.08.2025. Notice was issued to the contemnors on



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23.09.2025. It is therefore clear that the review petitioners have sprung into action only after receiving the contempt notice. All other explanations sought to be offered are not *bonafide*. In that view of the matter, the learned Counsel for the respondent submits that the application for condonation of delay should be rejected while rejecting the review petition also.

6. We have heard the learned Additional Government Advocate briefly on the grounds on which the review petition is filed. Learned Additional Government Advocate submitted that the co-ordinate Bench did not consider the provisions contained in The Karnataka Civil Services (Absorption of the Persons Appointed to the State Civil Services with the Benefit of Rural Weightage) (Special) Rules, 2003, more particularly, Rule 4(1), which provides that the service rendered by the persons absorbed under the Rules prior to the date of such absorption shall be taken into consideration for determining their leave and



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pension, but shall not be considered for the purpose of pay and seniority.

7. In this regard, learned Counsel for the respondent submitted that the said Rule 4 of the Amendment Rules, is not applicable to the respondent for the fact that the respondent was saved by the judgment of the learned Single Judge of this Court in the case of **BASAVARAJ NAGOOR VS. THE STATE OF KARNATAKA AND ANOTHER, ILR 1999 KAR 1814**, since the respondent was appointed prior to 11.11.1998 and the said provision will not be applicable to the respondent. It is also submitted that despite the clear directions issued in the case of **BASAVARAJ NAGOOR**, saving all those appointments which were made prior to 11.11.1998, when action was sought to be taken against the respondent to remove him from service on the ground that the respondent reported to duty on 12.11.1998 i.e., a day after the decision was rendered in **BASAVARAJ NAGOOR** on 11.11.1998, the respondent approached the Karnataka State Administrative Tribunal in



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Application No.5484/2003 and the Tribunal held that the appointment of the respondent is saved in the judgment in **BASAVARAJ NAGOOR** and the State and its authorities cannot remove the respondent from service. It was also directed that if the respondent herein is already relieved pursuant to the impugned order therein, he shall be restored to duty forthwith and the period during which the respondent herein was kept out of service shall be treated as on duty. Learned Counsel further submits that the State and its authorities accepted the decision of the Tribunal and did not question the same and therefore, the said order passed by the Tribunal has attained finality. Learned Counsel would therefore submit that the grounds raised in the review petition are irrelevant and need not be considered.

8. Having heard the learned Additional Government Advocate for the review petitioners, the learned Counsel for the respondent and on perusing the review petition, this Court finds that the review petitioner-State and its



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authorities have slept over the matter, though specific directions were issued by the co-ordinate Bench of this Court in W.P.No.34892/2024 on 21.04.2025, while issuing directions by writ of mandamus to the review petitioners to reckon the service of the respondent w.e.f., 10.11.1998 for all practical purposes including Seniority List. Though directions were issued to implement the order within an outer limit of 3 months and as rightly submitted by the learned Counsel for the respondent, the Director also cautioned the Joint Director to proceed to implement the orders passed by this Court, in his communication dated 06.06.2025 or to prefer a writ appeal, no further action was taken by the department.

9. We also find from the order dated 21.04.2025 that the co-ordinate Bench took into consideration the decision in the case of **BASAVARAJ NAGOOR**, the subsequent developments in the form of writ appeals and thereafter an SLP preferred by the State and its authorities and the dismissal of the SLP. The learned Counsel for the



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respondent is also right in his submission that Rule 4 of the (Special) Rules, 2003, will not apply to the respondent, since he was appointed prior to 11.11.1998 and that issue stands finally decided before the Karnataka State Administrative Tribunal in Application No.5484/2003 dated 12.09.2003. Therefore, it is impermissible for the review petitioners to once again rake up the said issue.

10. We also do not find any justifiable reason for condoning the delay. Accordingly, we proceed to pass the following:

ORDER

- (i) I.A.No.1/2026 filed for condonation of delay of 254 days in filing the review petition is hereby **rejected**.
- (ii) Consequently, the review petition is also **dismissed**.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

DL:: CT: JL