



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 6270 OF 2022 (S-RES)

BETWEEN:

SRI BHASKAR NAIK
S/O SRI LACHMA NAIK
AGED ABOUT 59 YEARS
OCC: ASSISTANT TEACHER
SRI ANJANEYA HIGH SCHOOL
KONDADHALLI CHANNAGIRI TALUK
DAVANAGERE DISTRICT
R/O KASHIPUR VILLAGE
DODDAMALLAPUR, CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577213.

...PETITIONER

(BY SRI. SIDDARUDHA B PUJARI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
EDUCATION DEPARTMENT
M S BUILDING, BENGALURU 560001.
2. THE DIRECTOR
AND APPELLATE AUTHORITY (HIGHER EDUCATION)
OFFICE OF THE COMMISSIONER
FOR PUBLIC INSTRUCTIONS
GOVT OF KARNATAKA
NRUPATUNGA ROAD
BENGALURU 560002.
3. THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTION
DAVANAGERE DISTRICT
DAVANAGERE 577001.

Digitally signed by
MALATHI CHALUVA
IYENGAR

Location: HIGH
COURT OF
KARNATAKA



4. THE BLOCK EDUCATION OFFICER
BLOCK EDUCATION OFFICE
CHANNAGIRI TALUK, CHANNAGIRI
DAVANAGERE DISTRICT-577213.

5. THE SECRETARY
SRI ANJANEYA VIDYA SAMSTHE
KONDADHALLI, CHIKKODA
CHANNAGIRI TALUK
DAVANAGERE DISTRICT -577213.

...RESPONDENTS

(BY SRI.G RAMESH NAIK, AGA FOR R1 TO R4:
R5 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR THE RECORDS PERTAINING TO ORDER/OM BEARING NO: C8(4) SHASHIAA ITARE 95/2011-12, DATED: 27.03.2012 ISSUED BY THE R-2 VIDE ANNEXURE-E AND SET ASIDE THE SAME IN SO FAR AS CONDITION NO.1 AND 8 IS CONCERNED ONLY AND CONSEQUENTLY SET ASIDE ENDORSEMENT/ORDER DATED: 24.06.2017 ISSUED BY THE R-3 VIDE ANNEXURE-F AND ETC.

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

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

ORAL ORDER

1. In this writ petition, the petitioner has challenged Condition Nos.1 and 8 in appointment order dated 27.03.2012 issued by respondent No.2 vide Annexure-E.



2. Brief facts of the case of the petitioner is that he was appointed as Assistant Teacher (Hindi subject) by respondent No.4 in the year 1994 to work at respondent No.5-Institution and had continued to work till the date of sanctioning the approval to posts and aid to the institution. Respondent No.3 has approved the appointment of employees of respondent No.5-Institution except the petitioner. Therefore, the petitioner has approached this Court by filing W.P.No.24917/2005. This Court by order dated 09.08.2006 disposed of the writ petition and directed respondent Nos.2 and 3 to consider the approval of appointment of the petitioner to the post of Assistant Teacher in respondent No.5-Institution with effect from 06.03.2004 and the petitioner is entitled to all consequential benefits on such approval being granted. The same has been confirmed by the Division Bench of this Court in W.A.No.1491/2006 on 26.11.2009. Thereafter, the petitioner filed contempt petition in C.C.C.(Civil) No.2306/2011 and the same has been



dismissed on 28.03.2012 with the observation that it is open to the complainant to work out his rights and remedies before the appropriate authority, in accordance with law. Thereafter, by impugned order dated 27.03.2012 vide Annexure-E, the petitioner's appointment was approved subject to certain conditions, including Condition Nos.1 and 8, which reads as follows:.

“1. ಈ ಆದೇಶ ಹೊರಡಿಸಿದ ದಿನಾಂಕದಿಂದ ಈ ನೌಕರರು ವೇತನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿರುತ್ತಾರೆ.

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8. ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 12.04.2006 ರಲ್ಲಿ ನಿಗದಿ ಪಡಿಸಿರುವ ಅನುಬಂಧ-1 ಮತ್ತು 2 ರಲ್ಲಿನ ಮಾಹಿತಿಗಳನ್ನು ಮತ್ತೊಮ್ಮೆ ಪರಿಶೀಲಿಸಿ ಮಾಹಿತಿಗಳು ಸರಿಯಾಗಿದೆ ಎಂದು ಖಚಿತಪಡಿಸಿಕೊಂಡ ನಂತರ ವೇತನ ಬಿಡುಗಡೆ ಆದೇಶ ನೀಡುವುದು.”

3. Being aggrieved by condition Nos.1 and 8 of the impugned order, the petitioner is before this Court.



4. Learned counsel for the petitioner submitted that the petitioner aggrieved by condition Nos.1 and 8 of the appointment order at Annexure-E, submitted a representation to the competent authority seeking deletion of Condition Nos.1 and 8 and the impugned order has been passed contrary to the directions issued by this Court in W.P.No.24917/2005. He further submitted that as petitioner has undergone heart surgery and due to the COVID-19 pandemic, he was unable to approach this Court immediately. Hence, he sought allowing of the writ petition.

5. Learned AGA appearing for the respondents submitted that the impugned order was passed on 27.03.2012 and that, from the date of approval of the petitioner's appointment, he became entitled to salary grant. Prior to approval of the appointment order, it was the responsibility of the Management to pay the salary. He further submitted that the order was passed in the year 2012, the petitioner accepted the same and salary was



paid accordingly. The impugned order was passed in the year 2012. His representation for deletion of Condition Nos.1 and 8 was considered and rejected by a communication in the year 2017 and even after a lapse of more than 10 years, the petitioner did not approached this Court by challenging the impugned order vide Annexure-E. At the verge of his retirement, he has filed the present writ petition. Therefore, he sought for dismissal of the writ petition.

6. Heard the learned counsel for the parties. Perused the writ petition papers.

7. The petitioner, being aggrieved by the order dated 06.03.2004 passed by respondent No.3, filed W.P.No.24917/2005 before this Court. This Court, by order dated 09.08.2006, has passed the following order:

"5. Hence, this petition is allowed. The orders at Annexures-"K" and "L" are quashed. The respondents 2 and 3 are directed to consider the approval of



appointment of the petitioner to the post of Assistant Teacher in the fourth respondent-Institution with effect from 6.3.2004. The petitioner shall be entitled to all consequential benefits on such approval being granted."

8. The petitioner also filed a contempt before this Court in CCC(Civil) No.2306/2011. The same has been dismissed on 28.03.2012 by observing as follows:

"10. However, we are not convinced that the State Government has to pay the consequential benefits as the appointment is in a private institution and even if it is aided, unless appointment is against the aided post, the liability of the State Government does not arise. Complainant's appointment is being considered only as per the direction. Appointment is not an aided post and therefore we do not find that the State Government should be proceeded in contempt jurisdiction in this aspect of the matter."



9. Thereafter, the impugned order dated 27.03.2012 was issued. Pursuant to the said impugned order, the petitioner has accepted the appointment order and has received the salary grant from the date of approval and continued in service till his retirement. The petitioner, having accepted the appointment order with conditions and availed the benefits flowing therefrom, cannot now seek deletion of Condition Nos.1 and 8, that too, after a lapse of more than ten years. Further, the petitioner's representation seeking deletion of Condition Nos.1 and 8 was considered and rejected in the year 2017. Even thereafter, the petitioner did not approach this Court immediately to challenge the impugned order. Therefore, the writ petition is liable to be dismissed on the ground of delay and laches also.

10. The Medical Certificate produced to show that the petitioner has undergone heart surgery pertains to the year 2010, i.e., prior to the approval of his appointment order. After the approval of the appointment order in the



year 2012, he has worked as a Teacher till 2023; however, he did not choose to file a writ petition challenging the impugned order. From the date of approval, he has been admitted to salary grant and is entitled to salary from 27.03.2012. Therefore, the relief sought by the petitioner for setting aside condition Nos. 1 and 8 of the impugned order vide Annexure-E is unsustainable. Hence, the writ petition deserves to be dismissed.

11. The petitioner's appointment was approved on 27.03.2012 and the present writ petition was filed in the year 2022. There is an inordinate delay of more than 10 years in filing the present writ petition.

12. The Apex Court in the case of ***Chairman/Managing Director, Uttar Pradesh, Power Corporation Limited and others vs. Ram Gopal*** reported in ***(2021) 13 SCC 225*** has held in paragraph No.11 is extracted herein below:

"11. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the



Constitution, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and the writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In S.S. Balu v. State of Kerala, this Court observed thus : (SCC p. 485, para 17)

"17. It is also well-settled principle of law that "delay defeats equity". ... It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment."

13. In view of the above, since the petitioner has accepted the appointment order dated 27.03.2012 and has



worked till his retirement, after lapse of more than 10 years, he has filed the present writ petition. On the ground of delay also, the petition deserves to be dismissed.

14. Accordingly, the writ petition is ***dismissed***.

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

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LIST NO.: 1 SL NO.: 33