



CNR: KAHC010143432023

NC: 2026:KHC:56034
WP No. 6418 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 6418 OF 2023 (S-RES)

BETWEEN:

SRI. J. M. NATARAJAPPA
S/O MAHALINGAPPA,
AGED ABOUT 60 YEARS,
LECTURER IN GEOGRAPHY,
SRI. NANDISHWARA PRE UNIVERSITY COLLEGE,
ANTHARAGATTE,
CHIKMANGALUR DISTRICT,
KARNATAKA - 577 550.

...PETITIONER

(BY SRI. RAMESH V., ADVOCATE FOR
SRI. KAMALUDDIN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF PRIMARY AND
SECONDARY EDUCATION,
M.S.BUILDING,
BENGALURU - 560001.
2. THE DIRECTOR,
PRE UNIVERSITY EDUCATION,
18TH CROSS, SAMPIGE ROAD,
MALLESHWARAM
BENGALURU - 560012.

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by VIDYA G R
Location:
HIGH COURT
OF
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3. ACCOUNTANT GENERAL,
PARK HOUSE ROAD,
BENGALURU 560001.
4. SRI. NANDEESHWARA PRE UNIVERSITY COLLEGE,
ANTHARAGATTE,
CHIKMANGALUR DISTRICT,
KARNATAKA - 577 550.
(REPRESENTED BY ITS PRINCIPAL)
5. OFFICE OF THE JOINT DIRECTOR,
DEPARTMENT OF PRE-GRADUATE EDUCATION,
SAMPIGE ROAD, 18TH AVENUE,
MALLESHWARAM,
BENGALURU-560012.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 TO R3 AND R5;
SRI. R.C. NAGARAJ, ADVOCATE FOR R4)

THIS WP FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE
ENDORSEMENTS ISSUED BY THE 2ND RESPONDENT BEARING
NO. ಪಪೂಶಿಇ/EMPLOYEE-3/HH-035/05/21-22 DATED 07.06.2022
AND 08.12.2022, ISSUED BY THE OFFICE OF THE JOINT
DIRECTOR DEPARTMENT OF PRE-GRADUATE EDUCATION
MARKED AS ANNEXURE-A AND B AND ETC.,

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



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CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition is filed seeking for setting aside of the endorsements issued by respondent No.2 at Annexures-A and B. In terms of the said endorsement, the respondent - authorities had noticed pendency of Writ Appeal in W.A.No.2476/2015 and W.A.Nos.3600 to 4195 of 2015 and had issued an endorsement that the request of the petitioner would be considered after disposal of W.A.No.2467/2015 and W.A.No.2476/2015 .

2. It is the case of the petitioner that he was appointed as a Lecturer on 27.05.1992 and the post was admitted to grant-in-aid subsequently. It is further submitted that the petitioner was entitled for relief by taking note of his appointment in the pre grant-in-aid period and the service benefits are required to be extended. It is further submitted that Annexure-A had observed that matter would be considered insofar as



extending service benefits after disposal of W.A.No.2467/2015 and W.A.No.2476/2015.

3. Having noticed that the said writ appeals are disposed of, the present matter itself is required to be disposed.

4. A perusal of the said order would reveal that writ petitions assailing the constitutional validity of the Act in question was allowed and W.P.No.21216/2014 and connected matters came to be allowed. The same was challenged in W.A.No.2476/2015 and connected matters.

5. Learned Government Advocate appearing for the respondents submits that while the order in writ petition was affirmed, however the nature of relief that flows to the petitioner is on the basis of the observations made in para 61 of the order in appeal. Taking note of the same and on perusal of para 61, the present petition could be disposed of.



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6. Para 61 of the judgment reads as follows:

"61. It is also necessary to clarify the extent of the relief that would flow from the present judgment. The issue involved in the present batch of matters is confined to whether the service rendered by employees during the non-grant period is liable to be reckoned for the purpose of fixation of pay and other consequential service benefits. Neither the provisions governing grant-in-aid nor the statutory framework casts any liability upon the State to pay salary for the period prior to admission of the post to grant-in-aid. As produced supra, Annexure-I of Rules, 1999 would make it abundantly clear that the management shall be liable for payment of salary and other benefits till the date such posts are admitted into grant-in-aid. The liability to pay salary during the non-grant period continues to rest upon the management of the concerned institution. Consequently, the service rendered during the said period shall be taken into account only for the purpose of notional fixation of pay as on the date of admission of the post to grant-in-aid and for extending consequential benefits such as pension and other service benefits. The employees shall not be entitled to claim arrears of salary or any other monetary benefits from the State for the period preceding the admission of the post to grant-in-aid."

Taking note of the above, entitlement of the petitioner would be as observed by the Court in the observations contained in para 61.



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7. Accordingly, the petition is allowed. Respondents No.1 and 2 to take note of the observations made above and reckon service of the petitioner from the date of appointment i.e., appointment pre grant-in-aid for the purpose of notional fixation of pay in order to calculate benefits such as pension and other service benefits. Such consideration to be completed within a period of six (6) months.

Accordingly, the petition is ***disposed of***.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR
List No.: 1 Sl No.: 3