



CNR: KAHC010165822023

NC: 2026:KHC:41499
WP No. 7306 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 7306 OF 2023 (S-RES)

BETWEEN:

SRI. K. V. MURALIDHARA
S/O D.S.V. IYENGAR,
AGED 72 YEARS,
RETD. HEAD MASTER,
R/AT NO.40, II CROSS, CHUCHAGHATTA,
ROAD, KONANAKUNTE POST,
BENGALURU – 560 062

...PETITIONER

(BY SRI. RAVINDRA V.S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS SECRETARY
DEPARTMENT OF EDUCATION,
M.S.BUILDING
BENGALURU – 560 001.
2. THE DEPUTY DIRECTOR OF PUBLIC EDUCATION
BENGALURU SOUTH DISTRICT,
KALASIPALYA,
BENGALURU – 560 002.
3. THE BLOCK EDUCATION OFFICER
SOUTH RANGE - 1,
BASAVANAGUDI,
BENGALURU – 560 004.

...RESPONDENTS

(BY SRI. G.RAMESH NAIK, AGA)

Digitally
signed by
SHILPABAI S

Location:
HIGH
COURT OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED GOVT ORDER BEARING NO.EP220MC 2021 BENGALURU DTD 17.11.2021 ISSUED BY THE R-1 VIDE ANNEX-F AND IMPUGNED ENDORSEMENT BEARING NO.702180DPI-CPI0C7-3(USM)/122022 DTD 08.07.2022 ISSUED BY THE R-2 VIDE ANNEX-K.DIRECTING THE RESPONDENT TO RELEASE AND PAY THE SALARIES TO THE PETITIONER FOR THE PERIOD DURING WHICH HE WAS TREATED AS EXCESS TEACHER AS PER THE PARTICULARS FURNISHED AT ANNEX-A.COST OF THIS PETITION.

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

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

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- (a) Issue a writ in the nature of certiorari to quash the impugned government order bearing No.EP220PMC 2021 Bengaluru dt:17.11.2021 issued by the 1st respondent vide Annexure-F and impugned endorsement bearing No.702180DPI-CPI0C7-3(USM)/122022 dt:08.07.2022 issued by the 2nd respondent vide Annexure-K;
- (b) Issue a writ in the nature of mandamus directing the respondents to release and pay the salaries to the petitioner for the period during which he was treated as excess teacher as per the particulars furnished at Annexure-A, forthwith;



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- (c) Issue such other writ, order or directions as deems fit in the circumstances of the case and allow the above writ petition with costs, in the interest of justice and equity.

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioner initially joined as Assistant Teacher at Sree Maruthi Makkal Mandir Kannada and Tamil Higher Primary School, Thyagraj Nagar on 23.05.1969 and Continuously working since on the date of appointment and on 01.04.2005, the petitioner was considered as an excess teacher and thereafter, as no posting order to other school was issued to him, the petitioner submitted application for granting voluntary retirement to him. Thereafter, on 03.11.2005 he was issued with posting order. The respondents on treating the petitioner as a excess teacher on 01.04.2005 and thereafter they have not paid a salary till he was posted to the other schools on transfer. The petitioner approach this Court in W.P.No. 49603-49612 of 2016. This Court, vide order dated



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12.03.2018, the similarly placed teachers to whom the salary were not paid on treating them as access teachers filed a writ petition for issuing a direction for releasing the salary. The petitioner and others also submitted a representation and filed a writ petition in W.P.No.25678-25680 of 2018. This Court, vide order dated 19.06.2018 disposed of the writ petition, directing the respondent to consider the claims of the petitioner in terms of the order passed in W.P.No.49603-49612 of 2016. On the disposal of the said writ petition, the petitioner has submitted a necessary representation along with the documents. On the said representation, the concerned Block Educational Officer by correspondence dated 08.08.2018 sought permission of the Deputy Director of Public Instructions for releasing the salary for withheld period. On the said correspondence, the Deputy Director of Public Instructions, Bangalore in turn by communication addressed in favour of the Director (Primary School), Bengaluru dated 20.09.2018 had sought for issuing



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necessary guidelines on the course of action to be initiated at the end of the Deputy Director on the proposals submitted by the Block Educational Officer, Bengaluru for granting permission for releasing the withheld salary. In the communication of the Deputy Director, the said authority had referred to the Government Order dated 23.06.2008, which provides for payment of salary in favour of excess teachers till the academic year 2008-09. The Government provides for payment of salary in favour of excess teachers till the expiry of academic year 2008-09. As the respondent has refused to pay the excess salary from 01.04.2005 to 30.11.2005 submitted a representation and the said representation was rejected by the respondent by issuing an endorsement vide Annexure-K. Hence, this writ petition.

3. The respondent-State has filed a statement of objections contending that the petitioners were treated as an excess teacher. Hence, the Government is not liable to



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pay the salary as claimed by the petitioner. The respondent has rightly issued an endorsement and prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner and also the learned Additional Government Advocate for the respondents.

5. Learned counsel for the petitioner submits that the similarly placed petitioners approached this Court in W.P.No.50754/2012. The petitioner was shifted to other school. Hence, for the said reason, the Government has declined to pay the salary. He submits that the similarly placed petitioners approached this Court in W.P.No.50754/2012. This court, vide order dated 30.04.2014, directed the Government to release the salary of the petitioner therein which has not been paid to the petitioner. He submits that considering the order passed in W.P.No. 50754/2012, the Co-ordinate Bench has passed an order



in W.P.No.49603-49612 of 2016 disposed of on 28.02.2018. The petitioner is entitled for similar relief granted in W.P.No.50754/2012 and he also submits that it is the duty of the Government to extract the work from the petitioner. Admittedly the respondents have not extracted the work from 01.04.2005 to 30.11.2005 and for that the Government has also not made any attempt to transfer the petitioner from the existing school to another aided school. He submits that there is a negligence on the part of the Government in not shifting the petitioner. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for the respondents submits that the petitioner did not work from 01.04.2005 to 30.11.2005 and the petitioner was treated as an excess teacher. He submits that it is a settled law that no work, no pay basis. The respondents have rightly rejected the prayer of the petitioner for payment of salary from



01.04.2005 to 30.11.2005. Hence, on these grounds, he prays to dismiss the writ petition.

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

8. It is an undisputed fact that the petitioner initially joined as Assistant Teacher at Sree Maruthi Makkal Mandir, Kannada and Tamil Higher Primary School and he opted for voluntary retirement on 30.11.2005. The respondents have treated the petitioner as an excess teacher from 01.04.2005 to 30.11.2005. The Government order provides payment of salary to the teachers, who are treated as an excess teacher and make to wait for the posting orders. The similar issue arises before the Co-ordinate Bench in the case of **LAKSHMINARSAPPA AND OTHERS Vs. THE STATE OF KARNATAKA AND OTHERS** in **W.P.No.50754/2012**. The Co-ordinate Benches issued a direction to the respondents therein to release the salary



of the period for which they were treated as an excess teacher, which has not been paid to the petitioner therein. If the petitioner was treated as an excess teacher on 01.04.2025, the respondents could have taken steps to transfer the petitioner. The respondents have not taken any steps to transfer the petitioner from 01.04.2005 till the petitioner submitted application for VRS. There is a negligence on the part of the respondents in not transferring the petitioner. Considering the order passed by this Court in the case of **LAKSHMINARSAPPA** (Supra), the impugned order passed by respondent No.2 vide Annexure-K is liable to be set aside.

9. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***disposed of***.
- ii. The impugned order dated 17.11.2021 passed by respondent No.1 vide Annexure-F and



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impugned order dated 08.07.2022 passed by respondent No.2 vide Annexure-K are set aside.

- iii. The respondents are directed to reconsider the representations vide Annexures G and H and pass an appropriate order in terms of the order passed in W.P.No.50754/2012 disposed of on 30.04.2014 within a period of 8 weeks from the date of receipt of copy of this order.
- iv. Pending application/s, if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SSB