

Reserved on : 23.02.2026

Pronounced on : 05.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 26799 OF 2019 (S-KSAT)

BETWEEN:

1. SRI. M. R. DEVARAJULU,
AGED ABOUT 60 YEARS,
S/O. SRI. M. RAMAIAH,
RETIRED ASSISTANT DIRECTOR OF SERICULTURE,
GOVERNMENT COCOON MARKET,
CALANOOR, KOLAR DISTRICT

R/AT. 'SRI SAI KRISHNA'
6TH CROSS, SIR. M.V. EXTENSION,
SRI. VINAYAKANAGARA,
SRI. BALAJI LAYOUT,
HOSAKOTE TALUK - 562 114.
BANGALORE RURAL DISTRICT.

...PETITIONER

(BY SRI. R. NAVEEN KUMAR, ADVOCATE)

AND:

1. THE COMMISSIONER OF SERICULTURE
DEVELOPMENT AND DIRECTOR OF SERICULTURE,
GOVERNMENT OF KARNATAKA,
M.S. BUILDINGS,
BANGALORE - 560 001.

2. THE COMMISSIONER FOR
COLLEGIATE EDUCATION
GOVERNMENT OF KARNATAKA,
SESHADRI ROAD,
BANGALORE - 560 001.
3. THE PRINCIPAL
GOVERNMENT FIRST GRADE COLLEGE,
MULABAGAL - 563 131.
KOLAR DISTRICT.
4. THE ACCOUNTANT GENERAL
IN KARNATAKA, PALACE ROAD,
BANGALORE - 560 001.
5. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
EDUCATION DEPARTMENT,
SACHIVALAYA-II,
M.S. BUILDINGS,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. K. R. RAJENDRA, AGA FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION PRAYING TO SET ASIDE THE ORDER/JUDGMENT MADE IN A.No.1554/2005 DATED 31.01.2017 VIDE ANNEXURE-A OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL ALLOWING THE APPLICATION BY HOLDING THAT THE PETITIONER IS ENTITLED FOR REFIXATION OF PAY IN THE CADRE OF LECTURER BY ALLOWING THE INCREMENTS ACCRUING FROM TIME TO TIME W.E.F. 28.8.1985 TO 14.9.1989 AND IN THE CADRE OF SERICULTURE EXTENSION OFFICER AT RS.1900 IN THE SCALE OF RS.1720-3170 WITH EFFECT FROM 15.09.1989 UNDER RULE 41-A(i) OF THE K.C.S.R. AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri R. Naveen Kumar, learned counsel for the petitioner and Sri K.R. Rajendra, learned Additional Government Advocate for respondent Nos.1 to 5.

2. The unsuccessful applicant in Application No.1554 of 2005, is before this Court assailing the order dated 31.01.2017 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short "the Tribunal").

3. The brief facts of the case are that the petitioner was appointed as a Lecturer in Sericulture on 28.09.1985 in MES First Grade College, Mulabagal, a 100% State-aided private college. The said college was taken over by the Government by order dated 13.11.1986. The post of Lecturer in Sericulture carried the pay scale of Rs.1050-1950. Thereafter, the petitioner was selected by the Karnataka Public Service Commission for appointment to the post of Sericulture Extension Officer carrying the pay scale of Rs.1720-3170. The petitioner was relieved from the post of Lecturer on 14.09.1989 and joined Government service as Sericulture Extension Officer on 15.09.1989.

3.1 According to the petitioner, the pay scale attached to the post of Lecturer was subsequently revised to Rs.1900-3650, whereas the pay scale attached to the post of Sericulture Extension Officer continued to be Rs.1720-3170. In that regard, the petitioner sought refixation of pay by taking into consideration his previous service as Lecturer in Sericulture in MES First Grade College, Mulbagal, and submitted representations to the authorities. As the representations were not considered, the petitioner approached the Tribunal in Application No.4315 of 1997. By order dated 04.04.2003, the Tribunal directed consideration of the petitioner's representation. Pursuant thereto, an endorsement dated 11.02.2004 came to be issued rejecting the petitioner's claim for pay revision under Rule 41-A of the Karnataka Civil Service Rules (KCSRs).

3.2 Aggrieved by the said endorsement, the petitioner once again approached the Tribunal. The Tribunal, under the impugned order, rejected the application by upholding the endorsement dated 11.02.2004.

4. Shri R. Naveen Kumar, learned counsel appearing for the petitioner, submits that the petitioner was appointed as a full-time Lecturer in Sericulture in MES First Grade College,

Mulabagal, which was taken over by the Government on 13.11.1986. It is further submitted that an addendum dated 19.01.1988 was issued sanctioning one post of Lecturer in Sericulture in the pay scale of Rs.1050-1950, which subsequently came to be withdrawn on 27.06.1990.

4.1 Learned counsel contends that the petitioner was paid salary in the aforesaid pay scale and that the Government never raised any objection, having accepted the appointment and selection of the petitioner as Lecturer in MES First Grade College, Mulabagal. It is further submitted that since the petitioner was serving as a full-time Lecturer under the management as on the date of takeover of the college by the Government, his pay scale was liable to be protected and he was entitled to revision of pay in terms of Rule 41-A of the KCSRs. It is contended that the Tribunal, for untenable and unsustainable reasons, rejected the application.

5. Sri K.R. Rajendra, learned Additional Government Advocate appearing for respondent Nos.1 to 5, submits that the post of Lecturer in Sericulture was not sanctioned during the period from 28.08.1985 to 13.11.1986. It is contended that merely because the management granted the petitioner the pay scale applicable to a full-time Lecturer, the same would not

confer any right upon the petitioner unless his appointment in the aided institution was duly approved and made against a sanctioned post.

5.1 Learned Additional Government Advocate further submits that Rule 41-A of the KCSRs would apply only in cases where the employee was appointed against a sanctioned and approved post in an aided institution. It is contended that the subsequent sanction of the post of Lecturer in Sericulture would not entitle the petitioner to claim the status of a Government servant so as to seek the benefit of Rule 41-A of the KCSRs. It is therefore submitted that the Tribunal, upon proper consideration of all relevant aspects, has rightly rejected the application.

6. Having considered the submissions made by learned counsel for the parties, it is evident from the records that MES First Grade College, Mulabagal, was a Government-aided institution and came to be taken over by the Government by order dated 13.11.1986. Under the said order, the teaching and non-teaching staff was permitted to continue until separate orders were passed regarding takeover of their services.

6.1 As on the date of the said order, the petitioner was not a full-time Government servant. The petitioner had initially been appointed by the management as a part-time Lecturer in Sericulture, and the said appointment had not been sanctioned by the competent authority. Undisputedly, as on the date of the petitioner's appointment, no sanctioned post of Lecturer in Sericulture existed.

6.2 Though the petitioner was subsequently appointed as a full-time Lecturer with effect from 01.01.1986, when the institution was an aided college, such appointment was admittedly not approved by the competent authority. It is also noticed that the management had granted the petitioner the pay scale of Rs.1900-3650 without any authority of law.

6.3 The Tribunal, upon reappreciation of the reasons assigned in the endorsement, held that the petitioner became a Government servant only with effect from 13.11.1986 pursuant to the order taking over the college. The Tribunal further noticed that the appointment of the petitioner had neither been approved by the competent authority nor made against a sanctioned post. The Tribunal has also recorded a finding that the petitioner failed to produce any material to establish that he had been appointed as a full-time Lecturer in an aided

institution against a sanctioned post and that such appointment had been approved by the competent authority.

6.4 A copy of the Government Order dated 13.11.1986 has been made available before this Court. The said order merely states that the teaching and non-teaching staff of the college shall continue in their respective posts until further orders are passed. No subsequent order is produced to demonstrate that the services of the petitioner were specifically taken over by the Government or that he was treated as a Government servant.

6.5 In the absence of any such order of appointment or any other material document, Rule 41-A of the KCSRs cannot be made applicable. There is also no order evidencing takeover of the petitioner's services by the Government at the time of takeover of the management of the college.

6.6 The principal contention of the petitioner is that he had been appointed by the management as a full-time Lecturer carrying the pay scale of Rs.1900-3650 and that, upon takeover of the college by the Government, he became entitled to the protection contemplated under Rule 41-A of the KCSRs. However, both the endorsement and the Tribunal have concurrently held that the petitioner's appointment in the aided

institution had not been approved and, therefore, he could not be treated as a Government servant for the purpose of extending the benefit of Rule 41-A of the KCSRs.

7. In the absence of any other acceptable material, we find no infirmity in the order passed by the Tribunal. The petitioner has failed to make out any exceptional or tenable ground warranting interference with the impugned order. The order passed by the Tribunal and the endorsement dated 11.02.2004 are strictly in conformity with law. We find no error in the same.

8. The writ petition, being devoid of merit, accordingly stands ***dismissed***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV*