



CNR: KAHC010290472023

NC: 2026:KHC:46603
WP No. 12275 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 12275 OF 2023 (S-RES)

BETWEEN:

SRI. S. NAGARAJU
S/O SOMBAIAH,
AGED ABOUT 58 YEARS,
PRESENTLY LECTURER IN KANNADA (RETIRED)
NO.220, PAPANNA LAYOUT, T.C.HALLY,
DOMMASANDRA (POST)
SARJAPURA, ANEKAR TALUK URBAN,
BANGALORE SOUTH DISTRICT-562125.

...PETITIONER

(BY SRI. NAGARAJAPPA A., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF EDUCATION KARNATAKA
GOVERNMENT SECRETARIAT,
M.S. BUILDING,
DR.AMBEDKAR VEEDHI
BANGALORE - 560 001
2. THE DIRECTOR
PRE- UNIVERSITY BOARD,
18TH CROSS,
MALLESHWARAM,

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA





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3. THE JOINT-DIRECTOR
SANTION AND GRANTING AID
PRE-UNIVERSITY EDUCATION DEPARTMENT
18TH CROSS, MALLESHWARAM,
BANGALORE-560018.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN ORDER OR DIRECTION OR WRIT IN NATURE OF WRIT OF CERTIORARI QUASHING THE COMMUNICATION DTD 27.07.2022 IN NO. PAPUSHI/ADALITHA2/AS/WP.NO.9760/2020/2022-23 ISSUED BY COLLEGE MARKED AT ANNEX-M ISSUED BY THE 3RD RESPONDENT 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 ASHOK S.KINAGI

ORAL ORDER

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

" a. Issue an order or direction or writ in nature of writ of certiorari quashing the communication dated 27.07.2022 in No.Papushi / Adalitha2 / AS / W.P.No.9760/2020/2022-23 issued by college



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marked at Annexure M issued by the 3rd Respondent.

b. Issue an order or direction or writ in the nature of writ of mandamus direction the Respondents 1 & 2 to grant of aid from the date of initial appointment dated 26.12.1995 to the post of Kannada Lecturer.

c. Issue any order or orders as deems fit and proper including the cost of proceedings, under the circumstances of the case, in the interest of justice and equity."

2. The brief facts of the case are that, the petitioner and similarly placed petitioners have filed writ petitions before this Court, seeking a direction to include the non-grant period also for service benefits. Those writ petitions in W.P.No.21216/2014 and connected matters came to be allowed. The Co-ordinate Bench of this Court vide order dated 10.07.2015 allowed the writ petitions and held that, "Karnataka Private Aided Educational Institutions Employees (Regulation of Pay, Pension and other benefits) Act, 2014, (Karnataka Act No.7/2014) is



struck down as ultravires of Constitution of India as it is opposed to Article 14 of Constitution of India and also encroaches upon the judicial powers of the court as discussed in the order and also directed the State to continue the pay salary or pension as the case may be, to the petitioners and similarly placed persons as was being paid pursuant to the earlier orders or in other words, as it was being paid prior to the enactment. The respondent-State shall comply with the directions already issued by this Court extending monetary benefits and treating the petitioners working in a Private Aided Educational Institutions on par with employees working in Government Institutions. In the event of respondent-State having recovered any amount/s pursuant to the impugned enactment, the same is hereby ordered to be refunded to the respective petitioner/s by the State expeditiously, at any rate within 8 weeks from the date of receipt of the certified copy of the order."



3. The respondent-State aggrieved by the order passed in the aforesaid writ petitions preferred a writ appeal in W.A.No.2476/2015 and connected matters. The Division Bench vide order dated 24.07.2026 dismissed the writ appeals. The petitioner contended that they are entitled for similar benefits granted in the writ petition No.21216/2014 and connected matters and prays to dispose of the writ petitions in terms of the said order.

4. Learned Government Advocate submits that the writ petitions may be disposed of in terms of the order dated 10.07.2015 passed in W.P.No.21216/2014 and connected matters.

5. Admittedly, the issue involved in this case is squarely covered by the order passed by the Co-ordinate Bench in W.P.No.21216/2014 and connected matters. The said writ petitions disposed of on 10.07.2015. The Co-ordinate Bench has passed the following order:

" (i) Writ Petitions are hereby allowed.



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(ii) The Karnataka Private Aided Educational Institutions Employees (Regulation of Pay, Pension and other Benefits) Act, 2014 (Karnataka Act No.07/2014) is hereby struck down as ultravires of Constitution of India as it is opposed to Article 14 of Constitution of India and also encroaches upon the judicial powers of the Courts as discussed herein above.

(iii) Respondent State shall continue to pay salary or pension as the case may be, to petitioners and similarly placed persons as was being paid pursuant to its earlier orders or in other words, as it was being paid prior to impugned enactment.

OR

Respondent-State shall comply with the directions already issued by this Court extending the monetary benefits and treating the petitioners working in Private Aided Educational Institutions on par with the employees working in Government Institutions.

(iv) In the event of respondent State having recovered any amount/s pursuant to the impugned enactment, same is hereby ordered to be refunded to the respective petitioner/s by the State expeditiously, at any rate within eight weeks from the date of receipt of certified copy of this order.

(v) No order as to costs."



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6. The said order was challenged by the State in W.A.No.2476/2015 and connected matters. The Division Bench dismissed the writ appeals vide order dated 24.07.2026. The petitioner is entitled for similar benefits on the ground of parity. Accordingly, the Writ Petition is are disposed of in terms of the order dated 10.07.2015 passed in W.P.No.21216/2014 and connected matters.

7. In view of the same, the following:

ORDER

- i. The Writ Petitions is ***allowed***.
- ii. The order dated 27.02.2022 (Annexure-M) in No.Papushi/Adalitha2/AS/WP.No.9760/2020/2022-23 issued by respondent No.3, is hereby quashed.

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

PHM