



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 15242 OF 2026 (S-RES)

BETWEEN:

1. MANJUNATHA N
S/O NARAYANAPPA,
AGED ABOUT 40 YEARS,
WORKING AS PHYSICAL EDUCATION TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (BC),
GATTHAVENKATARAVANA, MULBAGAL (T),
KOLAR (DIST),
RESIDING AT BELLAMBALLI (V)
DEVARAYASAMUDRA (P)
MULBAGAL (T), KOLAR (DIST)
PIN 563127.
2. DODDAIAH S.S,
S/O LATE SHIVAPPA,
AGED ABOUT 48 YEARS,
WORKING AS PHYSICAL EDUCATION TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL,
KUDIGE KUSHALNAGAR TALUK, KODAGU,
RESIDING AT MULLUSAGE VILLAGE AND POST,
KUSHALNAGAR HOBLI, SOMWARPET TALUK,
KODAGU.
3. RAMESHA K.R,
S/O RAMAKRISHNE GONDA,
AGED ABOUT 44 YEARS,
WORKING AS KANNADA TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (205),
BASAVANA HALLI, KUSHALNAGAR TALUK,
KODAGU DISTRICT,
RESIDING AT NO.122, SAMPARA,
PANCHACHARYA LAYOUT,
VIJAYANAGARA 4TH STAGE, MYSORE.
4. MAHADEVA D.G,



S/O GOVINDAIAH,
AGED ABOUT 41 YEARS,
WORKING AS SOCIAL SCIENCE ASSISTANT TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (ST-110)
KAGGUNDI, PERIYAPATNA TALUK,
MYSORE DISTRICT,
RESIDING AT D.K KOPPAL (VILLAGE),
SIDDAPURA (POST), HEBBAL (HOBBI),
K.R NAGAR (TALUK),
MYSORE DISTRICT.

5. ANANDAMURTHY M.V.
S/O VEERABHADRAPACHARYA,
AGED ABOUT 49 YEARS,
WORKING AS KANNADA TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (ST-109)
DHARMAPURA, HUNSUR TALUK,
MYSURU DISTRICT,
RESIDING AT: MALALI VILLAGE,
KESTUR POST, HEBBALU HOBBI,
K.R NAGAR TALUK.
MYSURU DISTRICT - 571602.
6. EREGOWDA K,
S/O KULLE GOWDA (U/F MALE GOWDA),
AGED ABOUT 44 YEARS,
WORKING AS KANNADA TEACHER,
K.R.C.R.S. HIREHALLY (ST-424),
H.D KOTE TALUK,
MYSORE DISTRICT,
RESIDING AT: SHIRAMAHALLY (V)
K.G HALLY (H) H.D KOTE (TQ), MYSORE (DIST).
7. ASHA RANI D.N,
D/O S R GIRISH,
AGED ABOUT 38 YEARS,
WORKING AS HINDI TEACHER,
KITUR RANI CHENNAHMA RESIDENTIAL SCHOOL,
HERAHALLI, H.D KOTE TALUK,
MYSORE DISTRICT-571113,
RESIDING AT NO.550, B BLOCK MAHADEVAPURA,
J.P NAGAR MYSORE - 570008.
8. ASEED.
S/O HAMOOD,
AGED ABOUT 40 YEARS,
WORKING AS PHYSICAL EDUCATION TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL,



VOGGA, KAVALAPADURU VILLAGE (BC-143),
BANTWAL, DAKSHINA KANNADA,
RESIDING AT: PADE HOUSE,
PADANGADY POST AND VILLAGE,
BELTHANGADY TALUK,
DAKSHINA KANNADA - 574217.

9. GEETHA M,
D/O M MALLAIAH,
AGED ABOUT 47 YEARS,
WORKING AS HINDI TEACHER,
SRI MORARJI DESAI RESIDENTIAL SCHOOL,
DODDAHUNDI, MYSURU TALUK,
MYSURU DISTRICT,
RESIDING AT NO.1052,
SATHAGALLY LAYOUT,
SATHAGALLY, MYSURU.
10. SANGAPPA R BEERUNAGI,
S/O REVAPPA,
AGED ABOUT 42 YEARS,
WORKING AS PHYSICAL EDUCATION TEACHER,
KITUR RANI CHANNAMMA RESIDENTIAL SCHOOL
KOLHAR (SC-450),
BASAVANA BAGEVADI TALUK,
VIJAYAPUR DISTRICT - 586 210,
RESIDING AT CHADACHAN TALUK,
VIJAYAPUR DISTRICT,
PIN-586 205.
11. JAGADEESH B.K,
S/O. KUSHAPPA. B
AGED ABOUT 41 YEARS,
WORKING AS COMPUTER TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (205),
BASAVANAHALLI, KUSHALNAGAR,
KODAGU-571 234,
RESIDING AT: NO.246 JAMBURU BANE,
MADAPURA POST, SOMWARPET, KODAGU-571 251.
12. RUPAKSHI,
D/O SUDHAKAR KALTI,
AGED ABOUT 48 YEARS,
WORKING AS HINDI TEACHER, MORARJI RESIDENTIAL
SCHOOL HUNASAGI,
SHORAPUR TALUK,
YADGIR DISTRICT.



13. GIRISHA E.V,
S/O BASAVARAJU,
AGED ABOUT 41 YEARS,
WORKING AS MATHEMATICS TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL (205)
BASAVANAHALLI, KUSHALNAGAR KODAGU-571 234,
RESIDING AT ECHOORU VILLAGE AND POST PERIYAPATNA
TALUK, MYSORE.
14. . DAYANAND HIREMATH,
S/O SOMAYYA,
AGED ABOUT 41 YEARS, WORKING AS ASST. HINDI
TEACHER, MORARJI DESAI RESIDENTIAL SCHOOL
GANJIGATTI, SHIGGAON TALUK HAVERI DISTRICT,
RESIDING AT BASAVESHWARA NAGAR,
2ND CROSS,
B BLOCK HAVERI.
15. GANGAMMA S BETAGERIMATH,
D/O SIDDARAMAIAH,
AGED ABOUT 40 YEARS,
WORKING AS ASST. ERGLISH TEACHER,
KITTUR RANI CHANNAMMA RESIDENTIAL SCHOOL
MADAPUR, SAVANUR TALUK, HAVERI DISTRICT,
RESIDING AT KALALAKONDA TALLIHALLI POST, SAVANUR
TALUK, HAVERI DISTRICT.
16. CHANDRAGOUDA N PATIL,
S/O NARASANAGOUDA,
AGED A ABOUT 44 YEARS, WORKING AS ASST. KANNADA
TEACHER, KITTUR RANI CHANNAMMA RESIDENTIAL
SCHOOL, MADAPUR, SAVANUR TALUK, HAVERI DISTRICT,
RESIDING AT KADAKOL SAVANUR TALUK,
HAVERI DISTRICT.
17. ANITA V.MANNANNAVAR,
VIRIPAXAPPA,
AGED ABOUT 46 YEARS,
WORKING AS ASST HINDI TEACHER, AT MADAPUR TALUK,
SHIGGAVI, DR.HAVERI RESIDING AT PO.SHIGGAVI, TALUK
SHIGGAVI HAVARI DISTRICT.
18. MANJAIAH B.,
S/O BASAVARAJA,
AGED ABOUT 45 YEARS, WORKING AS A PRINCIPAL MDRS
SCHOOL (110) KAGGUNDI, PIRIYAPATNA TALUK,
MYSORE DISTRICT,
RESIDING AT NO.734, 6TH CROSS,



BASAVAGUDI, HEBBOL, MYSORE.

19. SHASHIKALA MALIPATIL,
W/O MAHESH KUMAR,
AGED 47 YEARS,
WORKING AS A PRINCIPAL MDRS SCHOOL,
KODEKAL (SC-316), YADAGIRI,
RESIDING AT: NEAR MANDALAMMA GUDI, KODEKAL,
YADAGIRI, HUNSAGI TALUK, YADIGIRI DISTRICT.

...PETITIONERS

(BY SRI. L. SRINIVASA BABU.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP, BY ITS SECRETARY,
DEPARTMENT OF SOCIAL WELFARE,
M.S.BUILDING, BANGALORE-560001.
2. THE EXECUTIVE DIRECTOR/SECRETARY,
KARNATAKA RESIDENTIAL EDUCATIONAL INSTITUTION
SOCIETY, CO-OPERATIVE BOARD BUILDING,
6TH AND 7TH FLOOR, NEAR CHANDRIKA HOTEL,
CUNNINGHAM ROAD, BANGALORE-560001

...RESPONDENTS

(BY SRI. SIDHARTH BABU RAO.,ADV. FOR R2;
SRI. RAVINDRANATH, AGA, FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO CONSIDER AND GRANT PROPORTIONATE SERVICE WEIGHTAGE TO THE PETITIONERS FOR THE ACADEMIC YEARS 2008-2009, 2009-2010, 2010-2011, 2011-2012 IN TERMS OF THE SERVICE RENDERED BY THE PETITIONERS FROM THE RESPECTIVE DATES OF JOINING, AND IN ACCORDANCE WITH THE JUDGMENTS RENDERED IN W.A. NO. 545/2021 DATED 07.11.2022 ANNEXURE-W. AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



ORAL ORDER

In this petition, petitioners seek for the following reliefs:-

"Wherefore, the Petitioners is most respectfully prays:

1. **Issue a writ of Mandamus** directing the Respondents to consider and grant proportionate service weightage to the Petitioners for the academic years 2008-2009, 2009-2010, 2010-2011, 2011-2012 in terms of the service rendered by the Petitioners from the respective dates of joining, and in accordance with the judgments rendered in W.A. No. 545/2021 dated 07.11.2022 Annexure-W

2. **Issued writ of Mandamus** directing the Respondents to consider the representation dated: :05-05-2026, 27-04-2026 04-05-2026, 30-04-2026, 27-04-26, 29-04-26, 29-04-2026, 29-04-2026, 29-04-2026, 25-09-2025, 04-05-2026 04-05-2026, 04-05-2026, 04-05-2026, 04-05-202, 04-05-2026, 05-11-2025 and 05-05-2026 vide **ANNEXURE-AA, AA1, to AA18** and to grant the proportionate service weightage for the aforesaid academic years of 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012 while computing the total marks of the Petitioners for selection purposes, and consequently declare the Petitioners are eligible for selection against the post of Teacher;

3. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity."

2. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.



3. Though several contentions have been urged by both sides in support of their respective claims, the issue in controversy between the parties is directly and squarely covered by the judgments of Division Bench of this Court in the cases of ***The Karnataka Residential Educational Institutions Society Vs. Mounesh – W.A.No.545/2021 dated 07.11.2022*** and ***The Karnataka Residential Educational Institutions Society Vs. Vishwanath M.S., - W.A.No.360/2020 and Connected matters dated 19.07.2023*** and judgment of Co-ordinate Bench of this Court in the case of ***Vishwanath M.S. and Ors Vs. The State of Karnataka – W.P.Nos.8113-8131/2015 and connected matters dated 22.10.2019*** at Annexures-H, K and J respectively, wherein it is held as under:

In W.A.No.545/2021:

“Heard the learned Senior counsel Sri. Y. R. Sadashiva Reddy along with Sri.Sidharth Baburao, learned counsel for the appellant - Institution and Smt. Ratna N. Shivayogimath and Sri. Shivayogesh Shivayogimath, learned counsel for the respondent Nos.1 to 3.

2. *This intra Court appeal is directed against the order of the learned Single Judge passed in W.P.No.15280/2015.*



3. *The facts are not in dispute. The only dispute that is raised by the appellant-Institution is the proportionate weightage for partially completed year. The issue is raised on the basis of the Cadre and Recruitment Regulations, which provides for grant of 5% weightage for every completed year of service.*

4. *Learned Senior counsel has placed a memo before the Court dated 07.11.2022 enclosing therewith a copy of the order dated 21.03.2013 passed in a batch of Writ Appeals and the lead Writ Appeal being W.A.No.31346/2012 whereby, the Co-ordinate Bench has been pleased to uphold the order of learned Single Judge rejecting the writ petition seeking to regularize and absorb them in their respective posts and to pay salary and other service benefits on par with similarly situated Government Teachers with the following order:-*

*“5. All the writ appeals are accordingly **disposed** of in terms of the judgment dated 21.02.2013 passed in W.A.Nos.5127/12 and W.A.Nos.5183-61/12 with connected appeals. The operative portion of the judgment dated 21.2.2013 reads thus:*

“The writ appeals filed by the appellant-Society are dismissed. The service weightage shall be awarded to those teachers who are in service as on the date when the Cadre and Recruitment Regulations came into force. The appellant shall accommodate the respondents without disturbing the candidates who have already been selected by the appellant.”

However, there shall be no order as to costs.”

5. *A Chart in a Tabular Form is also produced, wherein the details of various petitioners including private*



respondents herein and the Chart provides for the details of the name of the persons, the subject against which the application is made, the Institution where he/she has discharged duties earlier, writ appeal number, number of years of service put-in, marks secured in the entrance exam and the weightage marks given, total marks secured, cut-off marks and the category against which they have applied.

6. *On perusing the marks secured, it is seen that respondent Nos.1 to 3 have secured 57.11, 58.5 and 45.96 respectively and the cut-off marks are 63.45, 63.3 and 61.35 respectively. Interestingly, the weightage marks have not been added. If the weightage marks, as settled by this Court i.e., at the rate of 5% per year is calculated then respondent Nos.1 and 2 would be entitled to 15 % and respondent No.3 would be entitled to 20 %.*

7. *Learned Senior counsel would contend that respondents have served the Institution for a truncated period and not for a fully completed year and in the light of the Cadre and Recruitment Regulations, which provides for awarding of weightage marks only for completed year, the respondents would be entitled to 10, 10 and 15 marks.*

8. *Even if the same are taken as correct, for the sake of arguments, even then the respondents would fairly secure more than the cut-off marks and thereby render them eligible for consideration. In that view of the matter, we are of the considered opinion that the instant writ appeal would not survive for consideration.*



9. *If the marks secured by respondent Nos.1 and 2 and the weightage marks even if calculated for 2 years each, respondent No.1 would have secured 67.11 marks and the cut-off being 63.45, respondent No.1 is entitled to be appointed. Respondent No.2 would have secured 68.5 marks and the cut-off being 63.3, respondent No.2 is entitled to be appointed.*

10. *Learned counsel for respondent No.3 would invite the attention of the Court to Annexure-G (running page No.93) of the writ appeal being service particulars issued by the Principal of the School and would point out that respondent No.3 has been in service from 2006-2007 to 2011-2012 and if the service which is alleged to have been truncated in the year 2006-2007 and 2010-2011 are not counted, even otherwise, he has completed four years of continuous service.*

11. *The said document is not disputed by the appellant-Institution. If that be the case, then respondent No.3 would be entitled for weightage of marks for the year 2007-08, 2008-09, 2009-10, 2011-12. In all, he would be entitled to 20% weightage marks. In that event, if 20 marks is added to the marks obtained by him in the qualifying examination, the total marks would come to 65.96, which is well above the cut-off marks which is 61.35. Hence, respondent No.3 is also entitled to be appointed.*

12. *We make it clear that the issue of awarding of weightage marks for partially completed year of service is not decided in these appeals as the respondents are even*



otherwise entitled to be appointed. The fact also remains that they have already been appointed subject to the result of the writ petition.

In that view of the matter, the Writ Appeal does not survive for consideration. Accordingly, the Writ Appeal stands rejected.”

In W.P.Nos.8113-8131/2015 and connected matters, it is held as under:

“All these petitioners, who are Teachers of various Schools working under the control of the Respondent No.3 – Karnataka Residential Educational Institutions Society (‘KREIS’ for short) are before this Court for the following reliefs:

a) Issue a writ of mandamus or any other appropriate writ order or direction holding that Tippani bearing No. Nil dated 2.12.2014 produced at Annexure-E1 is illegal and is opposed to Articles 14,16 and 21 of the Constitution and also is opposed to the orders passed by this Hon’ble Court to meet the ends of justice.

b) Issue a writ of certiorari or any other appropriate writ, order or direction directing the respondents quashing the Select List bearing reference No. KA.VA.SHE.SA.SA/ADALITHA/HOO. NE/CR-01-2013-14 dated 10.12.2014 produced at Annexure-F as the same is illegal and violative of Article 14,16 and 21 of the Constitution.

c) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents grant weightage of 5% for each academic year’s service irrespective of the date of appointment and proportionate weightage to the service which is less than one half of the academic year and further consider the cases of the petitioner for appointment to



the posts to which they have applied to meet the ends of justice.

d) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents grant weightage to the service put by the petitioners irrespective of the subject taught by them the case of the petitioners for the appointment to meet the ends of justice.

e) Issue a writ mandamus or any other appropriate writ order or direction directing the respondents consider the objections filed by the Petitioner and ascertain the service put by the Petitioner from the school records without the intervention of the teachers and principals who were appointed during the pendency of the WP 20204-364/2011 and WA 5127/2012 to meet the ends of justice.

f) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents include the names of the petitioners in the final select list and further consider the case of the petitioner for appointment to the posts of Principals/Teachers in the services of the schools run/controlled by the Karnataka Residential Institutional Society from the date on which the respondents have appointed Teachers and Principals in the year 2012/with effect from occurrence of the vacancy or whichever is earlier and grant them fixation of pay, arrears of salary and increments and all the consequential benefits to meet the ends of justice.

2. Learned counsel for the petitioners in these writ petitions has filed a memo dated 22.10.2019, today, in the open Court to dismiss the prayer (b) as not pressed, with liberty to the petitioners to approach this court, if need arises in future, in separate Proceedings.

3. The memo dated 22.10.2019 is placed on record. Accordingly, the prayer (b) in these writ petitions is dismissed as not pressed, with liberty to the petitioners approach this



Court, if need arises in future, in separate Proceedings, in accordance with law.

4. It is the case of the petitioners that they are qualified to be appointed to the posts of Teachers/Principals and they were appointed as Principals/Teachers and now they are wrongfully relieved from service. Each one of them has a Bachelor's/Master's Degree in the discipline of Arts/ Science/Mathematics or equivalent qualification. Some of the petitioners have passed Bachelor's Degree in Education or possess equivalent qualification and some of them are qualified to be appointed as Principals. Every one of them were appointed either to the post of Principal or as Teacher during the 'No Rule Period' in Morarji Desai Residential Schools or in Morarji Desai Residential Schools for the Minorities, Kittur Rani Chennamma Schools or in Ekalavya Model Residential Schools, which are situated in different parts of Karnataka working under the 3rd respondent. It is further contended that all the above schools were started as a succor to the talented children who could not afford quality education. The State Government took initiative by following the Scheme of the Central Government under which Javahar Navodaya Vidyalayas were started.

5. It is further case of the petitioners that as on the date of filing these writ petitions, there are about 600 schools which are under the control of the Department of Social Welfare and there are another 50 to 60 Schools which are under the control of Minority Department of Government of Karnataka. More than 100 schools are in the pipelines as



per the statement made by the Minister for Social Welfare on the floor of the house in the Belgaum Session of the Legislature which has appeared as a news item in 'Prajavani' dated 19.12.2014. Originally, Schools were started in different names and now there are only five categories of Schools viz., 1) Morarji Desai Residential Schools which include Schools meant for students from the BCM Category/SC-ST category; 2) Ekalavya Model Residential Schools meant for ST students, wherein 75% of the students are admitted from SC-ST category and 25% from other categories; 3) Kithur Rani Chennamma Schools which are meant for girls; 4) A.B. Vajapayee Residential Schools – Co-education and 5) Morarji Desai Residential Schools for Minorities. All the above Schools are under the control of the 3rd respondent – KREIS. The 5th category which is under the control of the 3rd respondent - KREIS is sought to be handed over to the Department of Minorities, which is yet to be done. The State Government in its order dated 22.6.2001 as per Annexure-A1 made proposal for transfer of residential schools to the 3rd respondent – KREIS. Thereafter, the Government decided to continue the schools under its management as could be seen from the order dated 5.10.2004 as per Annexure-A2.

6. It is further case of the petitioners that the Government by its order dated 21.10.2009 had constituted a Committee to make recruitments. Identical orders were issued in the past. By the said order, a Committee was constituted under the Chairmanship of the Deputy Commissioner. The said Committee was authorized to



recruit Teachers as per the Government Order dated 21.10.2009. When they were recruited, there was a notification inviting applications and there was a written test followed by an Interview. Thereafter, a select list of eligible candidates was prepared and based on the said select list and by following roster and also by complying with the reservation policy, the above Petitioners appointed. Thereafter, orders of appointment came to be issued in their favour. The Zilla Panchayaths were recruiting Teachers to the above schools for good length of time till they were handed over the KREIS. Annexure-A5 dated 17.5.2010 is the recruitment notification issued by the Deputy Commissioner and Annexure-A6 prescribes the qualification. In pursuant to the said notifications, candidates submitted their applications and subsequently, they were asked to undergo a written test and interviews also conducted. Nehru Yuvaka Kendra was one of the Agency in several districts through which the respondents got the orders of appointment issued to the Teachers and Principals. Kenoics was another organization chosen by the respondents to issue the orders of appointment to the Teachers selected by the Committee constituted by the respondents.

7. It is further case of the petitioners that their appointment was not a back door entry. There was no transgression of any rules. The selection was done after issue of a notification, followed by a written test and Interview and all the trappings of regular recruitment were followed while making the said recruitment and there was no private Agency in the picture till the selection took place. The Zilla



Panchayats at the instance of the respondents constituted a Committee for recruitment of Teachers and Principals. Private agencies were roped in thereafter for the reasons best known to the respondents, and got issued orders of appointment through the said agencies. The said agencies are not contractors within the meaning of the Contract Labour (Regulations and Abolition) Act. None of the respondents had taken permission to employ contract labour nor the contractor engaged by the respondents had registered himself/itself and obtained licenses as required under the provisions of the said Act.

8. It is further case of the petitioners that when the petitioners were appointed, there were no recruitment rules in force as already stated. Thereafter, the Management of the Schools was handed over to the KREIS by the Government and the Zilla Panchayat. The KREIS started exceeding its limits and therefore, the Government decided to wind up KRIES at one point of time. But, KRIES continued to exist and the Government backed out of the proposal of winding it up for the reasons best known to it.

9. It is further case of the petitioners that ultimately, the State Government finally decided to frame recruitment rules for KRIES and Draft Recruitment Rules were framed by the Government and the same were published and objections were filed by several Teachers. Despite filing objections, without considering the same, the Draft Rules published were made final. The Rules provided for grant of weightage to the petitioners and similarly situated Teachers



who were selected by the Committee constituted under the Government Orders by the Zilla Panchayaths under the Chairmanship of the Deputy Commissioner and appointed through the agencies. By misinterpreting the Rules, the 3rd respondent – KREIS only favoured the Teachers who were recruited by KREIS, which was one of the Contractor at the said point of time as it had no administrative control over the Schools.

10. It is further case of the petitioners that in the circumstances, Teachers were compelled to approach this Court by filing Writ Petition Nos.20204-20364/2011 and connected matters. This Court considering the rival contentions of both the parties by its order dated 13.7.2012 allowed the said Writ Petitions in part and issued certain directions directing the respondents therein to regularize the Principals and Teachers appointed prior to 2004-05 and continued in service as on the date of Absorption Regulations, 2011 came into force subject to fulfilling the other conditions. Aggrieved by the said order passed by the learned Single Judge of this Court, KREIS filed Writ Appeal No.5127/2012 and connected matters. The Division Bench of this Court by its Judgment dated 28.2.2013 dismissed the Appeals affirming the view taken by the learned Single Judge that the respondents therein i.e, Principals/Teachers are entitled for service weightage. Aggrieved by the said order, the 3rd respondent – society also filed SLP (civil) No.30845/2013 and connected matters, which came to be dismissed on 9.9.2013. In the mean time, there were series of discussions between the respondents and



representatives of Teachers, who were required to be removed on re-doing select list. A Tippani dated 2.12.2014 came to be issued for publication of second provisional list as per Annexure-E1.

11. It is further case of the petitioners that inspite of the directions issued by this Court, affirmed by the Division Bench and reaffirmed by the Hon'ble Supreme Court, the select list of eligible candidates does not contain the names of the petitioners and the same is illegal and the Teachers who were appointed during the 'no rule period' cannot be held to be not eligible after the rules are introduced. Therefore, the inaction on the part of the respondents in not selecting the petitioners is violative of Articles 14, 16 and 21 of the constitution of India. Therefore, the petitioners are before this Court for the reliefs sought for.

12. The respondents including the State Government have not filed objections.

13. I have heard the learned counsel for the parties to the lis.

14. Sri M. Narayana Bhat, Sri K.B. Narayana Swamy, Sri N. Nagaraja Rao and Sri Deepak, learned counsel for the petitioners in these writ petitions contended with vehemence that select list has been prepared on the basis of the particulars furnished by the Teachers appointed during the pendency of the earlier proceedings. The said Teachers had furnished factually incorrect particulars for the purpose of the preparation of the list. If the select list is re-done, the Principals and Teachers appointed would lose their position.



The present list is prepared on the basis of the information furnished by the interested parties. The Annexure-E1 – Tippani dated 2.12.2014 issued by the respondents is in violation of Articles 14, 16 and 21 of the Constitution of India. They further contended that the names of the petitioners are not included in the list which was published by the KREIS. The publication of the list was brought to the notice of this Court in Contempt Petition filed by the Teachers. It was stated by the respondents that they have complied with the orders passed by this Court. Recording the said statement, the Contempt Proceedings were dropped. They would further contend that the impugned Tippani as per Annexure-E1 dated 2.12.2014 is issued without following the rules and orders passed by this Court and the same is violative of Articles 14, 16 and 21 of the Constitution of India and the same cannot be sustained. They further contended that the writ petitions and writ appeals are all concluded as far back as in the year 2012 and 2013 respectively. Despite lapse of two years' time as on the date of filing the present writ petitions, the respondents did not comply the orders passed by this Court. Therefore, the impugned action of the respondents cannot be sustained and directions as sought for shall be granted.

15. It is further contended that the petitioners had given all their particulars in the earlier round of writ petitions. None of the said facts were disputed. It was not the case of the respondents in the earlier round of proceedings that the petitioners are not entitled to weightage. The Division Bench of this Court while confirming the order passed by the



learned Single Judge, has in categorical terms recorded a finding that the petitioners are entitled to weightage and regularization of their service. Now, it is not open to the respondents to change the very basis of preparation of the list. Therefore the impugned action of the respondents cannot be sustained. It is further contended that since the petitioners are entitled to award of 5% of marks for a year's service, for part of year's service, proportionate weightage is required to be extended. The services of the petitioners were utilized by the respondents irrespective of their academic qualification. Now, technicalities are sought to be cited for depriving them of the weightage for each completed year of service. This should not have been done by the respondents. It is in utter violation of the directions issued by the learned Single Judge in the Writ Petitions, which is affirmed by the Division Bench in the Writ Appeals and re-affirmed by the Hon'ble Supreme Court in SLP. Therefore, the petitioners sought to allow the writ petitions for the reliefs sought for.

16. Per contra, Sri Nagaiah, learned counsel for the 3rd respondent in all these Writ Petitions sought to justify the action of the respondents and contended that the 3rd respondent has not directly appointed the petitioners and they were appointed by the outside Agency under the control of the 3rd respondent and inspite of following the procedure and giving weightage, the petitioners were not selected. He would further contend that in pursuance of the orders passed by this Court and in terms of the Karnataka Residential Educational Institutions Society (Cadre & Recruitment)



Regulations-2011, the 3rd respondent has prepared Tippani as per Annexure-E1 dated 2.12.2014 to consider the weightage of the petitioners. In spite of the same, the petitioners were not selected. Therefore, he sought to dismiss all these writ petitions.

17. I have given my anxious consideration to the arguments advanced by the learned counsel for the parties and perused the entire material on record carefully.

18. It is an undisputed fact that earlier all these petitioners were before this Court in Writ Petition Nos.20204-20364/2011 and connected matters seeking certain reliefs. This Court considering the entire material on record has recorded a finding that "pursuant to the recruitment notification dated 27.4.2011, the respondents conducted combined competitive examination. Respondents further contend that the petitioners in the combined competitive examination have not secured the qualifying marks required for selection. Now, the respondents have published the final selection list and the additional selection list. Admittedly, the service weightage was not extended to the petitioners while processing the final selection list and the additional selection list. Therefore, the respondents have to re-issue the final selection list by extending the benefit of service weightage to the petitioners." It has also recorded a finding that the Absorption Regulations are not applicable to the non-teaching staff. Ultimately, the said writ petitions came to be partly allowed with the following directions:

- i) Writ petitions are partly allowed*



- ii) *The petitioners are not entitled for absorption under the Absorption Regulations, 2011.*
- iii) *The respondents shall regularize the Principals and teachers appointed prior to 2004-2005 and continued in service as on the date of Absorption Regulations, 2011 came into force subject to fulfilling the other conditions.*
- iv) *It is declared that all the Principals and teachers including the petitioners herein appointed on or after 2004-2005 are entitled for the benefit of service weightage as specified in Recruitment Regulations, 2011.*
- v) *The respondents to complete the selection process pursuant to the recruitment notification dated 27.4.2011 by granting the benefit of service weightage to the petitioners and all other similarly situated Principals and teachers.*
- vi) *Since respondents have already processed the applications and issued final selection list and additional selection list, they have to redo the process of selection by extending the benefit of service weightage to the petitioners and similarly situated candidates.*
- vii) *Till the completion of selection process as stated above the present placement of petitioners and others who are continuing in service shall not be disturbed.*
- viii) *The prayer in the writ petitions in so far as it relates to quashing of recruitment notification dated 27.4.2011 is hereby rejected.*
- ix) *The writ petitions filed by the non-teaching staff are hereby dismissed.*

19. *It is also not in dispute that, being aggrieved by the said directions/orders passed by the learned single Judge of this Court, the 3rd respondent-the Karnataka Residential Educational Institutions Society filed W.A.No.5127/2012 and connected appeals. The Division Bench of this Court, considering the entire material on record, recorded a finding that, "While dealing with the*



regularization of service of temporary employees, the Hon'ble supreme Court had repeatedly held that, where initial entry was legal, the candidates were qualified, appointment made against the sanctioned post, long service would entitle them to be candidate for awarding service weightage. On the other hand, if the initial entry into service was illegal or where the candidate did not possess the qualification prescribed for the post, the question of awarding service weightage does not arise. In the instant case, the initial entry into service is not back door entry. The candidates are qualified and eligible to be appointed as teachers. In pursuance to the permission granted by the State Government prescribing the qualification to the post, the respondents were appointed by the concerned Zilla Panchayats. All the respondents (present petitioners) have necessary qualification to the said posts. There is no differences between the appointment made by the appellant Society (3rd respondent herein) as well as the Zilla Panchayats on outsourcing. Hence, there is no infirming or irregularity in the order passed by the learned single Judge directing the appellant to award service weightage to the respondents also (present petitioners).

20. The said order passed by the Division Bench of this Court in W.A.No.5127/2012 and connected appeals confirming the order passed by the learned single Judge has been affirmed by the Hon'ble Supreme Court by its order dated 09.09.2013 in SLP No.30845/2013.



21. In view of the above, the learned single Judge and the Division Bench, in categorical terms, held that the petitioners' entry into service is not back door entry. They were qualified and eligible for being appointed as teachers, in pursuance of the permission granted by the State Government prescribing the qualification to the post and accordingly, petitioners were appointed by the concerned Zilla Panchayath. All the petitioners have necessary qualification to the said post and there is no difference between the appointment made by the present respondent No.3-Society and the Zilla Panchayath on outsourcing. Therefore, the present petitioners are entitled to award of service weightage. The said concurrent finding of fact recorded by this Court based on the material documents, has reached finality, since the Hon'ble Supreme Court has dismissed the SLP filed by the respondent No.3.

22. In view of the above, the 3rd respondent is bound to follow the directions issued by the learned single Judge, confirmed by the Division Bench and reaffirmed by the Hon'ble Supreme Court and issue final selection list after giving service weightage. Admittedly, as on today, the respondents have not published the list, considering the directions issued by the learned single Judge, confirmed by the Division Bench and reaffirmed by the Hon'ble Supreme Court.

23. Very curiously, the 3rd respondent issued Tippani dated 02.12.2014 as per Annexure-E1 and formulated certain guidelines. When the learned single Judge, and the



Division Bench of this Court, in categorical terms held that all the petitioners were not appointed through back door entry and they were selected after following the procedure and therefore, they are entitled to service weightage, it is not open for the 3rd respondent to prepare a Tippani which has no source either in the recruitment rules or in the observation made by this Court. It seems that the Tippani issued by the 3rd respondents is only with an intention to remove the basis of directions issued by this Court indirectly which is impermissible in law. Therefore, the Annexure-E1/Tippani dated 02.12.2014 issued by the 3rd respondent cannot be sustained.

24. Infact, what is found in Annexure-E1/Tippani is the meaning of the words 'completed year of service' and continuous service' as provided in Section 2a and 2b of the Payment of Gratuity Act, 1972, which reads as under:

2a. "Completed year of service" means continuous service for one year.

2b. "Continuous Service" means-An employee shall be said to be in continuous service for a period if he has, for that period, been in uninterrupted service, including service, which may be interrupted on account of sickness, accident, leave, absence from duty without leave (not sickness, accident, leave, absence from duty without leave (not being absence as break in service has been passed in accordance with the standing orders, rules or regulations governing the employees of the establishment), lay-off, strike or a lock-out or cessation of work not due to any fault of the employee, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act;"

25. Admittedly, all the assertions made by the petitioners in the present writ petitions have not been denied either by the 3rd respondent or the State Government. The



State Government has been a silent spectator sitting on the fence to over see the drama between the petitioners and the 3rd respondent which is never expected by this Court. When the State Government was a party in the earlier Writ Petitions and Writ Appeals before this Court, it is for the State Government to come forward in the interest of justice to direct the 3rd respondent to comply the order passed by this Court in respect of petitioners and other similarly situated persons. The same has not been done.

26. In view of the aforesaid reasons, the inaction on the part of the 3rd respondent in not considering the directions issued by this Court cannot be tolerated.

27. At this stage, Sri Nagaiah, learned counsel for the 3rd respondent brought to the notice of the Court that in pursuance of the directions issued by this Court, selection list has been issued as per Annexure-D by giving service weightage, but petitioners have not been selected. Though the submission of the learned counsel is to be accepted, there is no document showing that the petitioners' case is rejected. Therefore, the order passed in respect of other candidates does not amount to compliance of the directions issued by this Court. It is the duty of the respondents to pass specific order in respect of petitioners as to whether they are selected or not. The same has not been done. The inaction on the part of the respondent in not considering the directions issued by this Court cannot be sustained.

*28. For the reasons stated above, the writ petitions are **allowed**. The impugned Tippani dated 02.12.2014 vide*



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Annexure-E1 is without any basis and in utter violation of Articles 14, 16 and 21 of the Constitution of India and cannot be sustained. Accordingly, Annexure-E1 is quashed only insofar as petitioners are concerned. A writ of mandamus is issued to the 3rd respondent – The Karnataka Residential Educational Institutions Society, to grant 5% weightage to each academic year of service of the petitioners irrespective of the date of appointment and proportionate weightage to the service which is less than one half of the academic year, in terms of the Absorption Rules and pass appropriate Orders individually in respect of each of the petitioner, in accordance with law, within an outer limit of 12 weeks from the date of receipt of certified copy of this Order, strictly in terms of the orders passed by the learned single Judge, confirmed by the Division Bench and reaffirmed by the Hon'ble Supreme Court.

Ordered accordingly.”

In W.A.No.360/2020 and Connected matters:

“This appeal is filed by the 3rd respondent in Writ Petitions No.8113-8131/2015 impugning the order dated 22.10.2019. In terms of the impugned order, the note dated 2.12.2014 marked at Annexure–E1 is quashed in so far as the petitioners are concerned, and in addition, a writ of mandamus is issued to the 3rd respondent–Karnataka Residential Educational Institutions Society (Hereinafter referred to as ‘Society’ for short) to grant 5% weightage to each academic year of service to the petitioners irrespective of the date of appointment.



2. *The Learned Single Judge has also directed proportionate weightage to be given even if the period of service is less than one-half of the academic year.*

3. *The grievance in this appeal filed by the Society is confined to the portion of the order directing proportionate weightage directed to be provided for the candidates for the period of service which is less than an academic year.*

4. *The brief facts necessary for the adjudication of the case can be summarized as under:*

- *The petitioners were appointed as teachers/principals and it is further stated that each of the petitioners is having the requisite educational qualifications for the post. The petitioners were appointed in Morarji Desai Residential School/Morarji Desai Residential School for Minorities/Kittur Rani Chenamma School/Ekalavya Model Residential School situated in different places in Karnataka. It is not in dispute that the said schools are run by society.*

5. *It is further stated that on the filing date of the writ petitions, about 600 schools were coming under the control of the Department of School Welfare and 50-60 schools coming under the control of the Minority Department of the Government of Karnataka. It is further claimed that earlier the above-referred schools came under five categories viz.,*

- (i) *Morarji Desai Residential School meant for students from the BCM category/SC-ST category*
- (ii) *Ekalavya Model Residential School.*



- (iii) *Kittur Rani Chenamma School meant for girls.*
- (iv) *A B Vajpayee Residential School having co-education*
- (v) *Moraji Desai Residential School for Minorities.*

6. *The State Government, by its order dated 22.06.2001 marked at Annexure A1, proposed transferring the residential schools to the Society. Later, the Government decided to continue the schools under its management vide order dated 5.10.2004 marked in Annexure A2 to the writ petition.*

7. *It is further stated that the Government vide order dated 21.10.2009 constituted a committee to recruit the teachers for the aforementioned institutions. The recruitment process involved written tests and interviews. The reservation policy of the State was also made applicable and based on merit and as per the reservation policy, appointments were made and the orders of appointment were issued in favour of the petitioners.*

8. *In terms of the notification dated 17.5.2010 at Annexure A5, applications were invited for the post of a teacher, and qualifications were prescribed as per Annexure A6 to the writ petition.*

9. *It is the case of the petitioners that all of them were recruited under the recruitment policy by following the due process prescribed. It is stated that no rule relating to recruitment is violated while recruiting the petitioners. It is also stated by the petitioners that specific recruitment rules were not in place when they were appointed, however, the*



order dated 21.10.2009 was in place which governed the recruitment process.

10. It is further stated that the management of the schools was handed over to Society and as the Society exceeded its limits, the Government decided to wind up the Society. However later, the Government withdrew its decision to wind up the Society and accordingly, the Society exists even today. Later the recruitment rules were framed which would govern the recruitment by the Society and objections were filed by several teachers to the draft recruitment rules published by the Government. It is contended that without considering the merits of the objections filed, the Government overruled the objections.

11. The rules framed by the Government provided for the grant of weightage to the petitioners and similarly situated teachers who were selected by the Committee constituted under the Government Order or by the Zilla Panchayat under the chairmanship of the Deputy Commissioner. However, by misrepresenting the Rules, the Society granted weightage to only those teachers who were recruited by the Society. In the above factual scenario, writ petitions were filed in W.P. No.20204/2011 and connected matters. In terms of the impugned order dated 13.07.2012, writ petitions were allowed-in-part, and directions were issued to the respondents in the said writ petitions to regularise the teachers and principals appointed before 2004-05 and continued in service as on the date of Absorption Regulations, 2011 subject to fulfilling other



eligibility criteria. The appeals filed by the Society in Writ Appeal 5127/2012 and connected matters are dismissed vide order dated 28.2.2013. The Special Leave Petition filed against the afore-mentioned order in SLP No.30845/2013 is also dismissed on 9.9.2013.

12. Pursuant to this, the impugned note dated 2.12.2014 is issued and the list of selected teachers is done afresh. Said note dated 2.12.2014 is called into question before the learned Single Judge.

13. The learned Single Judge after hearing the parties to the proceeding has allowed the petitions and quashed the impugned note dated 2.12.2014 at Annexure E1 and directed the Society to grant 5% weightage to each academic year of service irrespective of the date of appointment. The order quashing Annexure - E1 has attained finality as it is accepted by the Society as well as the State. The challenge is only to the order directing proportionate weightage for service less than a completed year.

14. Heard the learned counsel appearing for the parties to the proceeding.

15. It is the contention of the learned Senior counsel Sri M R Rajagopal for the appellants, that directions issued by the learned Single Judge to provide proportionate service weightage to the service which is less than an academic year in terms of The Karnataka Residential Educational Institutions Society (Cadre and Recruitment) Regulations, 2011 (For short 'Regulations, 2011') is illegal and violates the Regulations, 2011.



16. *It is urged that a 5% weightage can be provided to each completed year of service and not to those who have not completed one year.*

17. *It is also urged by the learned Senior counsel that the impugned order is in the teeth of the judgment rendered in W.P.No.20204/2011 and connected cases which is confirmed by the Division Bench in W.A. No.5127/2012 and connected matters. The attention of the Court is invited to the operative portion of the order in the W.P.No.20204/2011 and connected matters. The relevant portion reads as under:*

- “(ii) the petitioners are not entitled to absorption under the Absorption, regulations, 2011.*
- (iii) the respondent shall regularise the principal and teachers appointed before 2004-2005 and continue in service as of the date of Absorption, regulations, 2011*
- (iv) It is declared that all the principals and teachers including the petitioners herein appointed on or after 2004-2005 are entitled to the benefit of service weightage as specified in Recruitment Regulations, 2011.”*

18. *In support of their contentions, learned counsel for the Society has relied on the judgment of the Hon'ble Apex Court in the following cases:*

- (i) MANISH vs ROHINI GOYAL ((2010)4 SCC 393)*
- (ii) STATE OF PUNJAB vs SINGHALA (1994(1) SCC 175)*
- (iii) KARNATAKA STATE ROAD TRANSPORT CORPORATION vs ASHRAFULLA KHAN ((2002)2 SCC 560)*



19. *Learned Senior counsel Smt.Susheela, appearing for the employees/respondents urged that:*

(a) the expression “completed year” in the Rules 2011 is not defined as such the learned Single Judge is justified in directing proportionate weightage to be given to the candidates even if they have not completed one academic year.

(b) the State has not filed any appeal against the order passed by the learned Single Judge and the financial implication of the impugned order is on State and not the appellant-Society. It is further argued that since the State has accepted the order passed by the learned Single Judge, the appeal must be dismissed and the benefit of proportionate weightage shall be given to the respondents/employees.

(c) in terms of the interim order, passed by this Court, some of the respondents are already employed and their employment should not be disturbed at this juncture.

(d) Even as per the service particulars furnished by the appellants, it is apparent that the date of joining of employees was not the same and the employees were asked to join on different dates depending upon the admissions of the students and the opening of various schools run by the appellants.

(e) Even under the Regulations 2011, it is specified that the regularisations are framed as a one-time measure, to provide relief to the employees who were serving under the society as such the learned Single Judge is justified in



directing proportionate weightage be given to the employees who have not completed one year.

20. This Court has considered the contentions raised at the bar and perused the records.

21. As far as the contention of the appellants that the impugned order is contrary to the orders passed in W.P. No.20204/2011 and connected cases which is confirmed by the Division Bench in W.A. No.5127/2012 is concerned, it is to be noticed that the Society has not raised this contention before the learned Single Judge by contending that the contesting respondents/employees were parties to the said proceedings. The appellants have not filed any statement of objections before the learned Single Judge. Even before this Court, it is not pointed out, as to which of the respondents were parties in the earlier proceedings. Thus, the contention that the contesting respondents are precluded from claiming any relief in view of the finding in paragraphs No. (ii), (iii) and (iv) of the operative portion of the order in the aforementioned Writ Petitions is untenable.

22. From perusal of the reliefs claimed in Writ Petition No.20204/2011 and other connected matters as well as in subsequent Writ Petitions filed by the respondents and considering the relief granted, this Court is of the view that the previous proceedings will not come in the way of considering the claim of the petitioners.

23. More importantly, the question of “proportionate weightage” with reference to the expression “every



completed year” did not arise in the earlier proceedings and no finding is recorded on the said issue now raised. The scope of the expression, “every completed year” found in the Regulations 2011 was not considered and decided in the earlier writ proceeding.

24. The next question is, “Whether the learned Single Judge is justified in issuing a direction to provide proportionate weightage even if one year of service is not completed while awarding the marks?”

25. The relevant regulations required to be considered for adjudication of the present appeals are extracted as under:

Weightage for contract principals

Notwithstanding anything contained in the cadre and recruitment regulations of the society

While preparing the merit list, a weightage of five percentage (5%) for each completed year of service shall be given subject to a maximum of forty percentage adding to the total percentage of Postgraduate degree, B.Ed and Competitive Examination in respect of candidates appointed by the Karnataka Residential Education Institutions Society who are working as principals in Morarji Desai/Kitturu Rani Chennamma Residential Schools on contract basis as a one time measure.

Weightage for contract teachers

Notwithstanding anything contained in these regulations



While preparing the merit list, a weightage of five percentages for each completed year of service shall be given subject to a maximum of forty percentage adding to the total percentage of degree, BE.d, B.P.Ed. and competitive examination in respect of candidates appointed by Karnataka Residential Education Institutions Society and who are working as Assistant Teachers/Principals in Morarji Desai Residential Schools on contract basis as a one time measure.

26. For all other categories of teachers, the expressions “for each completed year of service” and “on contract basis as a one-time measure” are also incorporated in the Regulations 2011 providing for weightage.

27. It is required to be noticed that the expression “each completed year of service” is not defined in the Regulations, 2011. It is not disputed that the date of entry of the teachers in the given academic year is not the same but varies. The date of entry is different for different teachers in different schools. The different date of entry is said to be because of different date of opening of schools owing to lack or delayed admissions of students. The proportionate weightage has not been awarded on the basis of uniform criteria and therefore, the discrepancies in awarding the marks have crept in.

28. On reading the regulations extorted above, it is apparent that the measures taken for providing proportionate weightage are one-time measures.



29. *Admittedly, the expression “each completed year of service” is not defined under the Regulations 2011. And it is also an admitted fact that the contract employees were employed only for a period of ten months on a contract basis. For the remaining two months of the year, they are not provided with any salary. This being the position, the contention of the appellants that weightage can be provided only for the “completed year of service” holds no water. Considering the facts and circumstances of the case, and also given the fact that the respondent employees have put in a considerable length of service on being recruited in an open competitive recruitment process conducted by the State or the instrumentality of the State, strict interpretation canvassed by the is results in injustice to the employees who are otherwise qualified to be regularised in service. The order of the learned single judge directing proportionate weightage only entitles certain percentage of marks to be taken into consideration to process the claim for regularisation of those candidates who have put in some service after being selected in a competitive selection process. It does not affect or take away the rights of the persons who have put in more years of service.*

30. *Assuming that all the contesting respondents were parties in previous writ petitions and writ appeals, the Co Ordinate bench of this Court in the previous round of litigation in Writ Appeal No.5127/2012 has concluded that the entry into service is not a back door entry so far as the petitioners are concerned. The Court has given a finding that the candidates were qualified and eligible to be*



appointed as teachers and has dismissed the appeal filed by the Society. It is also observed in the said order that "The appellant society as far as possible, try to accommodate the respondents, if, after giving service weightage they are selected without disturbing the candidates who are already selected and appointed". The order passed in writ appeal is confirmed by the Hon'ble Apex Court vide order dated 09.09.2013 in SLP No.30854/2013.

31. This being the position, the order passed by the learned single judge in directing proportionate weightage to the employees who have not completed an academic year cannot be said to be an illegal order to interfere in an intra Court appeal.

32. The ambiguity in the language employed in not correctly defining the completed year, particularly in a situation where the employees are paid salary only for 10 months, learned single Judge is justified in holding that the petitioners should be given a proportionate weightage.

33. It is also required to be noticed that all the institutions run by the appellant society are admitted to grant aid by the State. Thus, the salaries of the employees to be regularised in terms of the impugned order are to be paid by the State. The State has not preferred any appeal against the impugned order and has accepted the order.

34. In terms of the interim order, some of the respondents are already employed and continuing in service. And it is also required to be noticed that the regularisation of the respondent/employees is subject to the respondent/



employees fulfilling other eligibility criteria and securing requisite marks on applying proportionate weightage and it is submitted that all the respondents may not qualify even if proportionate weightage is provided for the service less than a year.

35. It is also required to be noticed that regularisation was denied in view of Annexure-E1, the note issued by the Government which was questioned before the learned single judge. The learned single judge has quashed Annexure-E1 in so far as the petitioners are concerned. In fact, in terms of guidelines issued under Annexure -E1, the claim of the respondent/employees was rejected by the State. However, the portion of the order quashing Annexure - E1 is not under challenge. The challenge is only to the order of the single judge directing proportionate weightage.

36. As already noticed the Regulations provide for one time measure. The number of employees who may have their services regularised if proportionate weightage is given are also said to be few. Also considering the age of the respondent/ employees this Court is of the view that the learned single judge is justified in directing proportionate weightage be given to the employees who have completed less than a year in service.

37. We have also considered the ratio laid down in the judgments cited by the appellants. The aforementioned judgements are delivered in a different set of facts and those judgments; no question is decided under Regulations 2011.



Hence, the ratio in the said judgments does not apply to the present case.

38. For the reasons recorded supra, under the peculiar facts and circumstances of this case, this Court does not find any reason to interfere in the exercise of powers under Section 4 of the Karnataka High Court Act, with the order passed by the learned Single Judge.

39. It is stated that respondents No.5 to 7 in WA No.652/2020 are already appointed. Since, Writ Appeals No.650/2020, 652/2020, 675/2020, and 693/2020 are filed raising similar questions and arising from the same impugned order, the said appeals are also required to be dismissed.

Accordingly, the appeals are dismissed.”

4. Under these circumstances, the present petition is also disposed of by directing the concerned respondents to address the grievance of the petitioners and consider their representations at Annexures-AA, AA1 to AA18 dated 05-05-2026, 27-04-2026, 04-05-2026, 30-04-2026, 27-04-2026, 29-04-2026, 29-04-2026, 29-04-2026, 29-04-2026, 25-09-2025, 04-05-2026, 04-05-2026, 04-05-2026, 04-05-2026, 04-05-202, 04-05-2026, 05-11-2025 and 05-05-2026, respectively and take appropriate decision / pass appropriate orders in accordance with law within a period of two



months from the date of receipt of a copy of this order, bearing in mind the judgments of the Hon'ble Division Bench of this Court in the cases of ***The Karnataka Residential Educational Institutions Society Vs. Mounesh – W.A.No.545/2021 dated 07.11.2022*** and ***The Karnataka Residential Educational Institutions Society Vs. Vishwanath M.S., - W.A.No.360/2020 and Connected matters dated 19.07.2023*** and the order the Co-ordinate Bench of this Court in the case of ***Vishwanath M.S. and Ors. Vs. The State of Karnataka – W.P.Nos.8113-8131/2015 and connected matters dated 22.10.2019.***

5. Subject to the aforesaid directions, petition stands disposed of.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**