



CNR: KAHC010407382025

NC: 2026:KHC:46424
WP No. 18424 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 18424 OF 2025 (S-RES)

BETWEEN:

SRI A NATARAJA SETTY
S/O LATE ASWATHAIAH,
AGED ABOUT 56 YEARS,
WORKING AS ASSISTANT MASTER,
ACHARYA PRE UNIVERSITY COLLEGE,
(HIGH SCHOOL SECTION),
GAURIBIDANUR,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA 561 208

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
M.S. BUILDING,
BENGALURU 560 001.
2. COMMISSIONER OF PUBLIC INSTRUCTIONS,
DEPARTMENT OF SCHOOL EDUCATION,
NEW PUBLIC OFFICE,
NRUPATHUNGA ROAD,
BENGALURU 560 001.

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Location
HIGH COURT
OF
KARNATAKA



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3. THE DIRECTOR (HIGH SCHOOL),
DEPARTMENT OF SCHOOL EDUCATION,
NEW PUBLIC OFFICE,
NRUPATHUNGA ROAD,
BENGALURU 560 001.
4. DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
CHICKBALLAPUR DISTRICT,
CHICKBALLAPUR - 562 101.

...RESPONDENTS

(BY SMT. ASWINI PATEL, AGA FOR R1 TO R4)

THIS WRIT PETITION FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO

- A) CALL FOR RECORDS FROM RESPONDENT NO.3
IN RESPECT OF THE IMPUGNED ORDER
DATED 05/12/2022 (ANNEXURE-J).
- B) QUASHING THE IMPUGNED ORDER DATED
05/12/2022 BEARING No.C8(6)(3)SHASHIAA
/ 44 / 2017-18 ISSUED BY THE 3RD
RESPONDENT (ANNEXURE-J) AND
CONSEQUENTLY DIRECT THE RESPONDENTS
ADMIT THE PETITIONER FOR SALARY GRANT
WITH RETROSPECTIVE EFFECT FROM
27/10/1997, IN TERMS OF THE ORDER OF
THIS HON'BLE COURT IN WRIT PETITION NO.
13791/2009 DATED 25/11/2010 (ANNEXURE-
E), WITH ALL CONSEQUENTIAL BENEFITS
INCLUDING SENIORITY, MONETARY AND
PENSIONARY BENEFITS ALONG WITH 8
PERCENT INTEREST PER ANNUM.
- (C) TO PASS ANY OTHER APPROPRIATE ORDER AS
THIS HON'BLE COURT DEEMS FIT,
INCLUDING THE COST OF THIS WRIT
PETITION, IN THE INTEREST OF JUSTICE
AND EQUITY."



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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

1. The petitioner in the writ petition has sought following prayers:

- (i) Call for records from respondent No.3 in respect of the impugned order dated 05/12/2022 (Annexure-J).
- (ii) quash the impugned order dated 05/12/2022 bearing No. C8(6)(3)SHASHIAA/44/2017-18 issued by the 3rd respondent (Annexure-J) and consequently, direct the respondents admit the petitioner for salary grant with retrospective effect from 27/10/1997, in terms of the order of this Hon'ble Court in Writ Petition No.13791 of 2009 dated 25/11/2010 (Annexure-E), with all consequential benefits including seniority, monetary and pensionary benefits along with 8 percent interest per annum.



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(iv) To pass any other appropriate order as this Hon'ble Court deems fit, including the cost of this writ petition, in the interest of justice and equity."

2. Brief facts of the case are that, the petitioner and similarly placed petitioners have filed writ petitions in W.P. No.21216 of 2014 and connected matters before this Court, seeking a direction to include the non-grant period also for service benefits. The Co-ordinate Bench of this Court vide order dated 10.07.2015 allowed the writ petitions and directed that: "*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 *ultra vires* 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. Respondent – State shall continue to pay salary or pension as the case may be, to petitioners



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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. 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. 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.”

3. The respondent-State aggrieved by the order passed in the aforesaid writ petitions preferred a writ appeal in W.A. No.2476 of 2015 and connected matters. The Division Bench vide order dated 24.07.2026 dismissed the writ appeals.



4. The petitioner contended that he is entitled for similar benefits granted in the Writ Petition No.21216 of 2014 and connected matters and prays to dispose of the writ petitions in terms of the said order.
5. 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 of 2014 and connected matters.
6. Admittedly, the issue involved in this case is squarely covered by the order passed by the Co-ordinate Bench in W.P. No.21216 of 2014 and connected matters. The said writ petitions were disposed of on 10.07.2015. The Co-ordinate bench has passed the following order:

(i) "Writ Petitions are hereby ***allowed***.

(ii) The Karnataka Private Aided Educational Institutions Employees (Regulation of Pay, Pension and other Benefits) Act, 2014 (Karnataka Act



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No.07/2014) is hereby struck down as *ultra vires* 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

- (iv) 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.
- (v) In the event of respondent – State having recovered any amount/s pursuant to the impugned enactment, same is hereby ordered to be



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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.

(vi) No order as to costs.

Ordered accordingly.”

7. The said order was challenged by the State in W.A. No.2476 of 2015¹ 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.
8. Accordingly, the instant writ petition is liable to be disposed of in terms of the order dated 10.07.2015 passed in W.P. No.21216 of 2014 and connected matters.
9. In view of the above discussion, I proceed to pass the following order:

¹ WA No.2476 of 2015 & Connected cases, disposed on 24.07.2026 at Bengaluru;
Coram: Hon'ble Mr.Justice S.G.Pandit and Hon'ble Mr.Justice Pradeep Singh Yerur.



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ORDER

- (i) The writ petition is ***allowed.***
- (ii) The impugned order dated 05.12.2022 passed by respondent No.3 vide Annexure-J is hereby ***quashed.***
- (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

- (iv) 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.



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(v) 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.

(vi) No order as to costs.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 1 Sl No.: 36