



CNR: KAHC010481872024

NC: 2026:KHC:41071
WP No. 22569 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 22569 OF 2024 (S-RES)

BETWEEN:

SRI. K. N. ASHWATHA REDDY
S/O. LATE NANJUNDA REDDY,
AGED ABOUT 59 YEARS,
WORKING AS LIBRARIAN,
ACHARYA PRE UNIVERSITY COLLEGE,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT-561 208.

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY,
REPRESENTED BY ITS ADDITIONAL SECRETARY TO
GOVERNMENT (SERVICES),
M.S. BUILDING,
BANGALORE-560 001.
2. THE COMMISSIONER OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD,
BANGALORE-560 001.
3. THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION

Digitally signed
by KIRAN
KUMAR R
Location: HIGH
COURT OF
KARNATAKA



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(PRE UNIVERSITY)
SAMPIGE RAOD,
18TH CROSS,
MALLESWARAM,
BANGALORE-560 012.

4. NATIONAL RURAL EDUCATION ASSOCIATION
REPRESENTED BY ITS SECRETARY,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT-561 208.
5. ACHARYA PRE-UNIVERSITY COLLEGE
REPRESENTED BY ITS PRINCIPAL,
GOWRIBIDANUR,
CHIKKABALLAPURA DISTRICT-561 208.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 TO R3
V/O DATED 27.08.2024 NOTICE TO R4 & R5 IS D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE RESPONDENT IN RESPECT OF THE IMPUGNED ENDORSEMENT DTD 02.09.2023 (ANNEXURE-M); QUASH THE IMPUGNED ENDORSEMENT DTD 02.09.2023 BEARING NO. PaPooShiE/Sibbandi-2/M.C/RI.P.SUM.35140/13/22-23 ISSUED BY R-3 (ANNEXURE-M) AND CONSEQUENTLY DIRECT THE R-3 TO CONSIDER AND APPROVE THE APPOINTMENT OF THE PETITIONER AS LIBRARIAN AND EXTEND THE BENEFIT OF GRANT IN AID, WITH EFFECT FROM INITIAL DATE OF APPOINTMENT, EXTENDING ALL CONSEQUENTIAL MONETARY BENEFITS INCLUDING PAY FIXATION, INCREMENTS, ARREARS OF SALARY ETC, IN THE INTEREST OF JUSTICE AND EQUITY; PASS ANY OTHER ORDER WHICH THIS HON'BLE Court DEEMS FIT, IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE COST OF THE 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

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

- i. *Call for records from the respondent in respect of the impugned endorsement dated 02.09.2023 (Annexure-M);*
- ii. *Issue writ or order quashing the impugned endorsement dated 02.09.2023 bearing No.PaPooShiE/Sibbandi-2/M.C/Ri.P.Sum.35140/13/2022-23 issued by respondent No.3 (Annexure-M) and consequently direct the respondent No.3 to consider and approve the appointment of the petitioner as Librarian and extend the benefit of grant in aid, with effect from initial date of appointment, extending all consequential monetary benefits including pay fixation increments, arrears of salary etc., in the interest of justice and equity;*
- iii. *Pass any other order which this Hon'ble Court deems fit, in the interest and circumstances of*



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the case, including the cost of the writ petition, in the interest of justice and equity.

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

The petitioner was appointed to the post of librarian in respondent No.5 by respondent No.4 for consolidated remuneration of Rs.400/- per month and he has rendered service for the past 34 years as a librarian in respondent No.5. The Assistant Director, Bangalore Division by way of a memorandum directed all the aided colleges to send a list of physical education teachers and librarians whose appointments were pending for approval on 02.11.1995. Pursuant to the said memorandum issued by the Assistant Director, Bangalore Division, the Principal of respondent No.5-Institution has sent a proposal to regularise the services of the petitioner, which was pending for approval. Respondent No.3 after receiving the said proposal from respondent No.5, the institution decided not to approve the post held by the petitioner i.e. the post of librarian.



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The petitioner approached this Court in W.P.No.34534/2024 seeking a direction to the respondents to regularise the services of the petitioner in the cadre of librarian and also sought for a direction to the respondents to pay the salary as per the pay scale attached to the post of librarian with effect from the date of his initial appointment and to grant him with all consequential monetary benefits. The said writ petition came to be disposal of directing the respondents to consider the case of the petitioner for regularising the service of the petitioner. Pursuant to the order passed by this Court, respondent No.4 sent a proposal to respondent No.3 for approval of the appointment of the petitioner as a librarian in respondent No.5. However, even after sending a detailed proposal with respect to the regularisation of the service of the petitioner in terms of the order dated 16.03.2007 passed in W.P.No.34534/2004. Respondent No.3 has declined to approve the appointment of the petitioner. The petitioner aggrieved by the order preferred



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an appeal before the respondent No.1 in appeal No.40/2007. Respondent No.1 allowed the appeal and directed respondent No.3 to afford an opportunity of hearing to the petitioner and pass appropriate order vide order dated 08.01.2008. Pursuant to the order dated 08.01.2008 passed by respondent No.1, the petitioner filed an application before respondent No.3, which came to be dismissed. Being aggrieved by the said order dated 04.07.2008 passed by respondentNo.3, the petitioner again approached respondent No. 1 in Appeal No.2/2011. Respondent No.1 dismissed the appeal on the ground of economic measures vide order dated 04.10.2011. The petitioner aggrieved by the said order passed by respondent No.1 preferred a writ petition in W.P.No.43464/2011. The said petition was allowed in part and the order passed in Appeal No.2 /2011 was set aside and appeal was restored to respondent No.1 for fresh consideration and directed to decide the said appeal within time bond. Respondent No.1 confirmed the said order



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passed by respondent No.3. The petitioner approached the respondent No.1. The said appeal came to be allowed. Thereafter again the petitioner has approached this court in W.P.No.35140 /2013. The said petition came to be allowed in part and order dated 28.02.2023 was quashed and the order dated 30.04.2013 passed by respondent No.1. It was observed that the appellate authority has not considered the observation made by this court in the previous petition and remitted the matter to the appellate authority to rehear and pass or to rehear the matter afresh and pass appropriate order. Pursuant to the order passed by this court, the review application No.582/2011 was remanded to respondent No.1. Respondent No.1, after hearing the rival contentions of the parties in the review application, allowed the review application preferred by the petitioner. Respondent No.3 blatantly ignoring the order passed by respondent No.1 in Review Application No.582/2011 dated 26.05.2023 issued the impugned



endorsement. Hence the petitioner aggrieved by the impugned endorsement, filed this writ petition.

3. The State has filed a statement of objections raising several grounds. It is contended that the private aided college posts are initially created by the Management as per the norms of the government, rules and government orders as and when they become eligible for salary grants, salary grants are sanctioned by the government. There is no process of sanctioning the posts as in the case of government departments. Hence the post of librarian held by the petitioner is not sanctioned post. Hence the petitioner is not entitled to be admitted for grant in aid. Hence, he prays dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner and also learned Government Advocate for respondent Nos.1 to 3.

5. Learned counsel for the petitioner submits that respondent No.1 allowed the review application and



directed respondent No.3 to reconsider the case of the petitioner in terms of the observation made by this court in the writ petitions filed by the petitioners. He submits that respondent No.3 has not considered the observation made by this court in the earlier orders passed in the writ petitions. He also submits that the order passed by the respondent No.3 is without application of Rule 3A of the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Service of Employees in Private Aided Primary and Secondary Education Institutions) Rules, 1999 (for short, 'the Rules, 1999') respondent No.3 has not assigned any reasons. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned Government Advocate supported the impugned order. He submits that the post of the librarian of the petitioner is appointed against the sanction plan and the petitioner cannot claim the grant in aid as a matter of right. The appointment of the petitioner is not in accordance with the rules, regulations, and



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government order. 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. The dispute between the petitioner and respondents is not resolved and commencement from 2004. Admittedly, the petitioner was appointed as a librarian in respondent No.5-Institution. The Institution recommended for approval of grant in aid. The respondents did not consider the case of the petitioner for approval of grant in aid. The petitioner approached this court in W.P.No.34534/2004. The said petition came to be allowed vide order dated 16.03.2007 directing respondent No.4 to send a proposal to respondent No.3 for approval of appointment of petitioner as a librarian in respondent No.5-Institution. Pursuant to the direction issued by this Court, respondent No.4 has sent a proposal to respondent



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No.3 for approval of the appointment of the petitioner as a librarian in respondent No.5-Institution. Respondent No.3 declined to approve the appointment vide order dated 14.06.2007. The petitioners aggrieved by the order dated 14.06.2007, approached respondent No.1 in Appeal No.40/2007. The appeal was dismissed and the order dated 14.06.2007 was set aside and matter was remitted. Aggrieved by the same, the petitioner preferred an appeal before the respondent No.1 in Appeal No.40/2007. Respondent No.3 dismissed the application filed by the petitioner vide order dated 04.07.2008. The petitioner approached respondent No.1 in Appeal No.2/2011. The said appeal was dismissed vide the order dated 04.10.2011. The petitioner again approached this court in W.P.No.43464/2011. The said writ petition was allowed and order dated 04.07.2008 passed in Appeal No.2/2011 was set aside and Appeal No.2/2011 was restored to respondent No.1 for fresh consideration and directed to decide the appeal within time bond. Respondent No.1



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confirmed the order passed by respondent No.3 and held that the post of the petitioner cannot be approved. Again the petitioner approached this court in W.P.No.35140/2013. The said petition came to be allowed vide order dated 28.02.2023 and passed the orders dated 30.04.2013 and again remanded the matter to the First Appellate Court. The appeal was dismissed. Again the petitioner approached this court and the said order was set aside and remitted the matter respondent No.1. Meanwhile the petitioner filed a review application No.582/2011 and the said review application was allowed vide order dated 26.05.2023 and while allowing the said application, the reviewing authority has considered the observations made in the order passed in W.P.No.35140/2013 and directed the respondents to consider the case of the petitioner for regularisation of service afresh. Respondent No. 3 without considering the observations made in the order passed in W.P.No.35140/2013 and order dated 26.05.2013 in Review application No.582/2011 has passed the impugned



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order. From the perusal of the impugned order, respondent No.3 has not assigned any reasons except extracting the Rule 3A of the Rules, 1999. The impugned endorsement issued by respondent No.3 is without application of mind and also the observations made in W.P.No.35140/2013. Thus, the impugned order passed by respondent No.3 is without application of mind. Hence, on these grounds, the petitioner has raised several grounds. Without considering the said grounds, respondent No.3 has passed an impugned order. Thus, the impugned order passed by respondent No.3 is in violation of the observations made by this Court in the W.P.No. 35140/2013 and the order passed in the review application No.582/2011. Hence, on these grounds, the impugned order is liable to be set aside.

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



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ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned endorsement dated 02.09.2023 passed by respondent No.3 vide Annexure-M is hereby quashed.
- iii. Respondent No.3 is directed to consider the case of the petitioner afresh and pass appropriate order in accordance with law within a period of 2 months 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