



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 22568 OF 2025 (S-RES)

BETWEEN:

M. N. VENKATESH
S/O. NAGENDRA BHAT,
AGED ABOUT 56 YEARS,
DAILY WAGE TYPIST,
TALUK PANCHAYAT,
THIRTHAHALLI - 577 432,
SHIVAMOGGA DISTRICT.

...PETITIONER

(BY SRI. MURALIDHAR K.B, ADVOCATE)

AND:

THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYAT,
SHIVAMOGGA - 577 201.

...RESPONDENT

(BY SRI. SHANKARANARAYANA BHAT N, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO BEARING NO. ISSUE WRIT OF CERTIORARI, QUASHING THE IMPUGNED ENDORSEMENT JI.PAM.SHI/ AADALITA (1) VI, VA-35/ 2013-14 /2022-23 DATED 17.09.2022 ISSUED BY THE RESPONDENT (ANNEXURE T) HOLDING THE SAME AS ILLEGAL, BAD IN LAW AND ARBITRARY ONE, IN THE INTEREST OF JUSTICE AND ETC.,

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



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

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

ORAL ORDER

In this petition, the petitioner has sought for the following
reliefs:

"i) Issue WRIT OF CERTIORARI, quashing the Impugned Endorsement bearing No. Ji.Pam.Shi/ Aadalita (1) Vi.Va-35/ 2013-14 /2022-23 dated 17.09.2022 issued by the Respondent (ANNEXURE -T) holding the same as illegal, bad in law and arbitrary one, in the interest of justice.

ii) Issue WRIT OF MANDAMUS, directing the Respondent to regularize the services of the Petitioner w.e.f. the date on which he has completed 10 years of Daily Wage Service, with all consequential service and monetary benefits, in the interest of justice and equity in the eye of law.

iii) Pass such other Order/orders as this Hon'ble Court deems fit and just in the matter in the interest of justice and equity in the eye of law."

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner joined the respondent - Panchayat as typist on daily



wage basis on 22.03.1989 and after a chequered history of litigation which ultimately culminated in WP No.51010/2012 dated 22.06.2022 vide Annexure - R, the request of the petitioner for regularisation has been rejected by the respondent by issuing the impugned endorsement on the ground that the petitioner continued in service on the basis of interim orders obtained by other identically/similarly situated persons in other petitions and as such, the petitioner was not entitled to regularisation.

4. In this context, it is pertinent to extract the Order in earlier round of litigation which culminated in WP No.51010/2012 dated 22.06.2022 as per Annexure - R, passed pursuant to the order of the Hon'ble Apex Court in SLP (cc) No.CC 4105-4242/2005 dated 25.02.2008 vide Annexure - J as below;

Annexure J:

"ORDER

Delay condoned.

Heard learned counsel for the parties.

We direct that in the light of para 53 of the decision of this Court in the case of State of Karnataka & Ors.Vs.Uma Devi (2006) 4 SCC, 1 the case of these respondents, who



have already completed more than 22 years of service, shall be individually examined by the authorities concerned. We hope and trust that the authorities will look into the individual cases and examine their continuation in services in terms of the schemes or other provisions of law on the subject available in the State. The authorities shall also take into consideration the law laid down by this Court in the case of U.P.State Electricity Board vs. Pooranchandra Pandey & others (2007) 7 SCC, 374. However, till the individual cases are not scrutinized by the authorities, these respondents - incumbents will be allowed to continue service.

With the abovesaid observations, the special leave petitions stand disposed of."

Annexure - R:

"ORDER

The petitioner stated to have been appointed as 'Typist' on daily wage basis on 22.03.1989 to the vacant post of Typist in the office of the Block Development Officer, Thirthahalli, Shimoga District. It is submitted that the petitioner having worked for a long length of time has sought for regularization by approaching this Court in W.P.Nos.42116-42253/2001 which came to be disposed off on 03.12.2001. This Court allowed the writ petition of the petitioner herein in terms of the law laid down in W.P.Nos.42096-42113/2001 disposed off on 29.11.2001. As against the order passed in W.P.Nos.42116-42253/2001, Writ Appeal came to be filed by the respondents in



W.A.Nos.2598-2735/2002 which came to be disposed off on 14.10.2003 upholding the order of the learned Single Judge. As against the order passed in the Writ Appeal, the State filed SLP (cc) No.CC 4105-4242/2005 which came to be disposed off by the order dated 25.02.2008 which reads as follows;

"Delay condoned.

Heard learned counsel for the parties.

We direct that in the light of para 53 of the decision of this Court in the case of State of Karnataka & Ors. Vs. Uma Devi (2006) 4 SCC, 1 the case of these respondents, who have already completed more than 22 years of service, shall be individually examined by the authorities concerned. We hope and trust that the authorities will look into the individual cases and examine their continuation in service in terms of the schemes or other provisions of law on the subject available in the State. The authorities shall also take into consideration the law laid down by this Court in the case of U.P. State Electricity Board Vs. Poorna Chandra Pandey & Others (2007) 7 SCC, 374. However, till the individual cases are not scrutinized by the authorities, these respondents- incumbents will be allowed to continue in service.

With the above said observations, the special leave petitions stand disposed of."



2. *It is submitted that subsequent to disposal of the SLP, the case of the petitioner has been considered and rejected as per the Endorsement dated 19.12.2008 which is called in question in the present petition.*

3. *It is pointed out that recommendation was made as per Annexure- N by the office of the Taluk Panchayath, Thirthahalli recommending the case of the petitioner while specifically recording a finding regarding fulfillment of four conditions required under law to consider his case for regularization in terms of the law laid down in Umadevi's case. It is further contended that the recommendation made by the Taluk Panchayath at Thirthahalli clearly records that petitioner's service is without protection of any interim order passed in any petition. Learned counsel for the petitioner has also produced a copy of the order sheet pertaining to W.P.No.25154/1998 and submits that there was no interim order during the pendency of the said writ petition. It is finally contended that the reference to the interim orders in other writ petitions cannot be a bar for consideration of the petitioner's case in light of the direction by the Hon'ble Apex Court, which specifically observes that individual cases are to be looked into and accordingly, as long as there was no stay obtained in any petition at the instance of the petitioner, interim orders passed in other writ petitions with respect to general clause of daily wage workers cannot be a bar to consider this case. Reliance is also placed on the judgment of the Co-ordinate Bench in W.P.No.3025/2008 as regards the said aspect.*



4. *Learned counsel appearing for the respondents on the other hand reiterating the contentions submits that the petitioner no doubt, had worked for the requisite period of time, however, such continuation in employment was by virtue of the interim orders passed in other matters as is referred to in the impugned endorsement at Annexure- J. It is also submitted by learned counsel appearing for the respondents that there is a Circular dated 13.11.2006 which needs to be looked into and refers to continuation of employees by virtue of the interim orders passed in the nature of general direction as regards class of daily wage workers. Accordingly, it is submitted that the petition is liable to be rejected. It is also submitted that there is requirement that the petitioner is to demonstrate he was working as against sanctioned post.*

5. *Heard both sides.*

6. *Insofar as the directions of the Hon'ble Apex Court is concerned as passed in SLP (cc) No.4105-4224/2005, the directions are clear and unambiguous and mandates consideration in light of paragraph No.53 of the decision in the case of **State of Karnataka & Ors. Vs. Uma Devi** reported in (2006) 4 SCC. There is a specific direction that individual cases are to be examined. Insofar as fulfillment of the criteria as laid down in Uma Devi's case is concerned, the recommendation by the office of the Taluk Panchayath, Teerthahalli at Annexure- N is self explanatory and the recommendation above would clearly indicate that petitioner's fulfillment of the four criteria required to be considered for regularization.*



ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್ ಕಛೇರಿ, ತೀರ್ಥಹಳ್ಳಿಯಲ್ಲಿ ದಿನಗೂಲ ಮೇರೆಗೆ

ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ದಿನಗೂಲ ನೌಕರರು

೦೪ ಷರತ್ತುಗಳು ವಿವರಣಾ ನಮೂನೆ.

ನೌಕರರ ಹೆಸರು ಮತ್ತು ಪದನಾಮ:	1.ಅಂತಹ ನೌಕರರನ್ನು ಮೂಲತಃ ಮಂಜೂರಾದ ಖಾಲಿ ಹುದ್ದೆಯಲ್ಲಿ ನೇಮಕ ಮಾಡಿರಬೇಕು	2.ಹೀಗೆ ಅವರನ್ನು ನೇಮಕ ಮಾಡುವಾಗ ಅವರು ಸಂಬಂಧಿಸಿದ ಹುದ್ದೆಗೆ ನಿಗದಿಪಡಿಸಿರುವ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಹೊಂದಿರಬೇಕು	3.ಹೀಗೆ ನೇಮಕಗೊಂಡಂತಹ ನೌಕರರು 10 ವರ್ಷಗಳಿಗೂ ಹೆಚ್ಚಿನ ಅವಧಿಗೆ ಸತತವಾಗಿ ಅದೇ ಹುದ್ದೆಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿರಬೇಕು	4. ನ್ಯಾಯಾಲಯಗಳ ಅಥವಾ ನ್ಯಾಯಮಂಡಳಿಗಳ ಆದೇಶಕ್ಕೊಳಪಟ್ಟು 10 ವರ್ಷಗಳಿಗೂ ಹೆಚ್ಚಿನ ಅವಧಿಗೆ ಅವರನ್ನು ಮುಂದುವರಿಸಿರಬಾರದು
ಶ್ರೀ.ಎಂ.ಎನ್. ವೆಂಕಟೇಶ್, ಬೆರಳಚ್ಚುಗಾರರು	ಇವರನ್ನು ತೀರ್ಥಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್ ಕಛೇರಿಯಲ್ಲಿ ಖಾಲಿ ಇದ್ದ ಬೆರಳಚ್ಚುಗಾರರ ಹುದ್ದೆಗೆ ನಂ:ಜಿಪಂಶಿ (4)ತಾಪಸ:185/88-89 ತಾ.22.03.1989 ರ ಪ್ರಕಾರ ಜಿಲ್ಲಾಪಂಚಾಯತ್ ಕಛೇರಿಯಿಂದ ದಿನಗೂಲ ಮೇರೆಗೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ	ಇವರನ್ನು ಬೆರಳಚ್ಚುಗಾರರ ಹುದ್ದೆಗೆನೇಮಕ ಮಾಡಿಕೊಂಡಿದ್ದು, ಬೆರಳಚ್ಚುಗಾರರ ಹುದ್ದೆಗೆ ನಿಗದಿಪಡಿಸಿದ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಹೊಂದಿರುತ್ತಾರೆ	ಇವರು ದಿನಾಂಕ:27.03.1989 ರಂದು ದಿನಗೂಲ ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗಿ ಸತತವಾಗಿ ಒಂದೇ ಹುದ್ದೆಯಲ್ಲಿ 10 ವರ್ಷಗಳ ಕಾಲ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ್ದು, ಈಗಲೂ ದಿನಗೂಲ ನೌಕರರಾಗಿ ಬೆರಳಚ್ಚುಗಾರ ಹುದ್ದೆಯಲ್ಲಿ ಮುಂದುವರೆದಿರುತ್ತಾರೆ.	ದಿನಗೂಲ ನೌಕರರು ಇವರನ್ನು ಸೇವೆಯಲ್ಲಿ ಮುಂದುವರಿಸುವ ಬಗ್ಗೆ ನ್ಯಾಯಾಲಯಗಳ ಅಥವಾ ನ್ಯಾಯಮಂಡಳಿಗಳ ಆದೇಶವಿರುವುದಿಲ್ಲ, 10 ವರ್ಷಗಳ ನಂತರ ಸೇವೆ ಖಾಯಂಗೊಳಿಸಲು ಮಾತ್ರ ನ್ಯಾಯಾಲಯದ ಮೊರೆ ಹೋಗಿರುವುದಾಗಿ ತಿಳಿಸಿ ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ನ್ಯಾಯಾಲಯದ ಆದೇಶಕ್ಕೆ ಸಂಬಂಧಿಸಿ ಈ ಕಛೇರಿಯಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

7. Insofar as any observation made at Annexure- J cannot be contrary to the findings at Annexure-N and the respondents are estopped from raising factual aspects



contrary to the recommendation made at Annexure- N. The observation made while recommending is self explanatory including as regards the petitioner having worked as against the sanctioned post. There is no material contrary placed by the respondents to displace the recommendation that the petitioner has worked against the sanctioned post.

8. *Insofar as the observations made at Annexure-J regarding continuance of the petitioner with reference to the direction passed in other matters, the matter does not call for any re-examination in light of the law laid down by the Co-ordinate Bench of this Court in the case of **Nagamani Vs. State of Karnataka** in **W.P. No.3025/2008** wherein, the similar contention regarding employee having worked under protection of interim orders passed in other matters was considered and rejected.*

9. *In light of the order passed in Nagamani's case, contention of the respondents that continuance of the petitioner by virtue of the interim orders passed in other connected matters cannot be the ground to reject the case of the petitioner for regularization.*

10. *Insofar as the reliance of the respondents on the Circular dated 13.11.2006, it must be noted that the said Circular cannot be brushed aside in light of the law laid down in Nagamani's case as the precise question has been addressed in the order dated 04.03.2008. Further it must be noted that even in para 3 of the Circular, it is specifically stated that if interim order in other connected matters dated*



11.04.1990 and 23.04.1993 are taken note of, then, most of the daily wage workers' case would require to be rejected.

11. Accordingly, the Circular of 13.11.2006 does not come to the aid of the respondents. Even otherwise, the observations in the order passed by the Hon'ble Apex Court in SLP makes it clear that case of the individual workman will have to be considered. In light of such observation, it is not open for the respondents to contend that the daily wage workers who have worked under the protection of the interim orders passed in some other matters as regards class of daily wage workers are disentitled to claim the relief of regularization. Accordingly, writ petition deserves to be allowed. The endorsement at Annexure-J and also the endorsement at Annexure- P is liable to be set aside.

12. Accordingly, writ petition is allowed. Matter is remitted to the respondents to pass orders in light of the discussions made above while making it clear that recommendation at Annexure-N needs to be kept in mind as also quashing of Annexure-J. Respondents are to proceed to pass order without reopening the matter concluded by raising any fresh ground in light of the detailed discussions made with reference to Annexure- N. Orders to be passed not later than three months from the date of release of this order."

5. As can be seen from the aforesaid orders passed by the Apex Court and this Court, the respondents have been specifically directed to consider the claim of the petitioner for



regularisation without reopening the matter concluded and without raising any fresh ground as against the petitioner and by holding that merely because the petitioner continued in service on the basis of interim orders obtained by other identically situated persons, the said circumstance could not be made the basis to come to the conclusion that the petitioner was not entitled to regularisation.

6. It is also pertinent to note that under identical circumstances, this Court in WP.No.10600/2023 in the case of **Smt. Gulabi Vs. The State of Karnataka and others** allowed the petition by giving certain directions. The said Order reads as under:

"ORDER

The captioned writ petition is filed assailing the endorsement dated 16.02.2023 issued by respondent No.2 as per Annexure - T and the report sent by respondent No.4 as per Annexure-S.

2. In support of the contention raised in the captioned writ petition, the learned counsel appearing for petitioner has placed reliance on the judgment rendered by this Court in W.P.No.12611/2023.

*3. In the present case on hand, the respondents Authorities have issued an endorsement on the ground that condition No.(iv) of the dictum laid down by the Hon'ble Apex Court in the case of **SECRETARY, STATE OF***



KARNATAKA AND OTHERS VS. UMADEVI AND OTHERS

is not complied. Consequently, an endorsement is issued declining to regularize petitioner's service. However, in the statement of objection, the respondents-Authorities for the first time have cited interim order passed in W.P.No.12610/1993 as per Annexure - R.2.

4. The respondents Authorities are not in a position to substantiate that the petitioner had benefit of the interim order, which strictly led to protection of his employment.

5. The endorsement issued by respondent No.2 is quite vague. The respondents - Authorities have tried to improve their case only to contest this writ petition by filing statement of objection. The respondents Authorities cannot place reliance on the Annexure-R.2.

6. The Hon'ble Apex Court, in the land mark judgment rendered in the case of Umadevi (cited supra) has held that where a daily wager, who has successfully rendered service for a period of 10 years without interruption and without protection by the Court orders or Tribunal Orders, is entitled to be considered for regularization. The respondents - Authorities cannot cited an interim order granted in W.P.No.12610/1993, where petitioner is not a party.

7. In the present case on hand, the petitioner has served 37 years. The petitioner was appointed on 11.09.1986 as Clerk-cum-Typist and is working as daily wager without interruption. Therefore, the impugned endorsement is not sustainable.



8. *For the foregoing reasons, this Court proceeds to pass the following;*

ORDER

(i) The writ petition is allowed.

(ii) The impugned endorsement dated 16.02.2023 issued by respondent No.2 as per Annexure-T and report sent by respondent No.4 as per Annexure-S are hereby quashed.

(iii) The respondents are hereby directed to reconsider petitioner's case for regularization strictly adhering to the dictum laid down by the Hon'ble Apex Court in the Umadevi's case and shall not take cognizance of the interim order granted by this Court in W.P.No.12610/1993.

(iv) Pending applications, if any, are also disposed off."

7. The above said Order has been confirmed by the Division Bench of this Court in WA No.1872/2024 dated 24.11.2025, which reads as under:

"ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

Heard Sri.Mohammed Jaffar Shah, learned AGA appearing for the appellants and Sri. Sudhindra.S.A., learned counsel appearing for the respondent.



2. *The present appeal has been filed impugning the judgment and order dated 23.04.2024 passed in W.P.No.10600 of 2023 (S-RES) by the learned Single Judge.*

3. *The parties herein are referred to as per their ranking in the writ petition.*

4. *The petitioner was appointed as a Clerk-cum-Typist on 11th September, 1986 as daily wager at Nada Office (Nada Kacheri), Kadaba, Puttur Taluk, Dakshina Kannada District. The petitioner was thereafter transferred to the office of the Assistant Commissioner, Puttur Sub-Division, Dakshina Kannada District. The petitioner was further transferred on 07.04.1994 to Gurupura Nada Kacheri as Clerk-cum-Typist.*

5. *The petitioner gave representation dated 22.04.2006 to the Government for regularization of her services. It appears that the Government had taken a decision on 29.07.2015 to regularize the services of daily wage employees working in Nada Kacheri who fulfilled four conditions as taken note of by the learned Single Judge in paragraph No.6 of the impugned judgment. These conditions would include ten years of continuous service without interruption and without protection of any interim order from the Court.*

6. *The petitioner's services have not been regularized on the ground that the petitioner continued in the employment because of the interim order dated 22.04.1993 granted in W.P.No.12610 of 1993.*



7. *The learned Single Judge has taken note of the fact that the petitioner was not a party in the said writ petition and he did not have the benefit of the interim order. Therefore, the ground taken for not regularization of services of the petitioner as she continued in the employment on the strength of the interim order dated 22.04.1993 granted in W.P.No.12610 of 1993 does not exist.*

8. *Sri.Mohammed Jaffar Shah, learned AGA does not dispute the fact that the petitioner was not a party in the said writ petition and infact, she was not enjoying any interim order. However, she continued in the employment for 37 long years without any interruption before the impugned endorsement dated 16.02.2023 came to be issued. As the substratum of the endorsement dated 16.02.2023 does not exist, we do not find any error in the impugned order and therefore, we dismiss this writ appeal.*

In view of the dismissal of the writ appeal, pending interlocutory applications stands disposed of."

8. In view of the aforesaid facts and circumstances, I am of the considered opinion that the respondent was clearly not justified in issuing the impugned endorsement, refusing to regularise the services of the petitioner and the same deserves to be quashed and the petition deserves to be allowed and disposed of by issuing certain directions.

9. In the result, I pass the following:-



ORDER

- (i) Petition is hereby ***allowed***.
- (ii) The impugned endorsement dated 17.09.2022 issued by the respondent at Annexure T is hereby quashed.
- (iii) Respondent is directed to take steps to regularize the services of the petitioner and pass appropriate orders within a period of two months from the date of receipt of copy of this order.

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