



CNR: KAHC010511092023

NC: 2026:KHC:36166-DB  
WA No. 1209 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15<sup>TH</sup> DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**WRIT APPEAL NO.1209 OF 2023 (S-RES)**

**BETWEEN:**

SRI G. SHIVARAJU  
S/O. LATE SRI GANGADHARAPPA  
AGED ABOUT 59 YEARS  
C/O. SRI RANGARAJU  
RAGHAVENDRA EXTENSION  
MADHUGIRI  
TUMKUR DISTRICT-572 132.

...APPELLANT

(BY SRI CHANDRAKANTH R. GOULAY, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY ITS SECRETARY TO GOVERNMENT  
PRIMARY AND SECONDARY EDUCATION  
M.S. BUILDINGS  
DR. AMBEDKAR VEEDHI  
BENGALURU-560 001.
2. THE COMMISSIONER FOR  
PUBLIC INSTRUCTION  
NEW PUBLIC OFFICES  
NRUPATHUNGA ROAD  
BENGALURU-560 001.
3. THE DIRECTOR OF PUBLIC INSTRUCTION  
SECONDARY EDUCATION  
NEW PUBLIC OFFICES  
NRUPATHUNGA ROAD  
BENGALURU-560 001.

Digitally  
signed by  
RAKSHA  
Location:  
High Court  
of Karnataka



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4. THE DEPUTY DIRECTOR  
OF PUBLIC INSTRUCTION  
MADUGIRI  
TUMKUR DISTRICT-572 132.
5. BLOCK EDUCATION OFFICER  
MADUGIRI  
TUMKUR DISTRICT-572 132.
6. NEETI VIDYA EDUCATION SOCIETY  
BIJAWARA  
MADUGIRI TALUK  
TUMKUR DISTRICT-572 132  
BY ITS SECRETARY.
7. THE HEAD MASTER  
SRI SIDDALINGESHWARA HIGH SCHOOL  
SHETTIHALLI  
MADUGIRI TALUK-572 132.

...RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R-1 TO R-5;  
SRI S. NAGESH, ADVOCATE FOR R-6;  
R-7 SERVED AND UNREPRESENTED)

\* \* \*

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1976, PRAYING TO SET ASIDE THE ORDER DATED 27-3-2023 MADE IN WRIT PETITION NO.25186 OF 2011 PASSED BY THE LEARNED SINGLE JUDGE IN SO FAR AS IT RELATES TO NON ISSUE OF SPECIFIC DIRECTION TO THE RESPONDENTS TO APPROVE THE APPOINTMENT OF THE APPELLANT IS CONCERNED AND TO PASS SUITABLE ORDERS AS DEEMED FIT AND PROPER AND ETC.

THIS WRIT APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN  
and  
HON'BLE MR. JUSTICE VENKATESH NAIK T

**ORAL JUDGMENT**

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the judgment dated 27.03.2023 passed in W.P. No.25186/2011. The writ petition was filed seeking the following reliefs:

*a) Quash condition No.2 of the Government Order dated 18-07-2009 which provides that the existing vacant post of Asst. Master English as required to be filled by a candidate belonging to Scheduled Tribe from the date of the order and to submit proposal for approval of the appointment of such candidate.*

*b) Direct the approval of appointment of the petitioner as Assistant Master with all consequential benefits for the purpose of admitting salary grants and*

*c) Pass such other orders as may be deemed appropriate, under the circumstances of the case, in the ends of justice.*

2. The contention raised in the writ petition was that the appellant had been appointed as a Kannada Language Teacher on 20.01.1997 and had been working in the



institution since then. It was contended that the school was admitted to Grant-in-Aid and the appointments of the other employees of the institution came to be approved by the order dated 18.07.2009. However, the appellant's case was not considered either for approval of his appointment or for admission to Grant-in-Aid. Learned counsel for the appellant had, therefore, contended that the appellant was entitled to approval of his appointment and admission to Grant-in-Aid along with the other teachers, who had been granted the said benefit.

3. The learned Single Judge had considered the contentions advanced and had found that there was nothing on record to show that there was an approved staff pattern containing any post against which the appellant could have been approved or admitted to Grant-in-Aid. It was, therefore, directed that, in case the institution forwards the name of the petitioner for consideration for Grant-in-Aid, then the educational authorities shall consider the case of the petitioner for appointment to the post of Assistant Master in Kannada, in



accordance with the provisions of the Karnataka Education Act, 1983.

4. The learned Additional Government Advocate appearing for the respondents drew our attention to Annexure-H, the order dated 18.07.2009, which would show that the staff pattern of the school had been fixed and that the school had been admitted to Grant-in-Aid prospectively from the year 2009-10, and that the staff who were admitted to Grant-in-Aid had been specifically mentioned in the order. It is pertinent to note that, in the case of the teaching staff, A.N. Narasimhayya, Associate Teacher (Kannada), had already been admitted to Grant-in-Aid. Further, it is submitted that another Associate Teacher, namely, D. Veerabhadrappe (Arts), was also admitted to Grant-in-Aid. It is submitted that the Kannada Teacher, A.N. Narasimhayya, was appointed on 05.08.1992 and the Arts Teacher, D. Veerabhadrappe, was appointed on 03.11.1992.

5. In the above circumstances, the appellant, who was appointed only on 20.01.1997, cannot have any preferential claim as against those two teachers, who were admittedly seniors. Further, it is contended that the post of Assistant



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Teacher in English also could not have been filled by appointing the appellant, since the appellant's qualifications were B.A. in History, Economics and Sociology, with B.Ed. in History and Kannada, and Population Education as an optional subject. He was not qualified for appointment as English Teacher, even if the post is treated as unreserved.

6. In the above view of the matter, we are of the opinion that there is no error in the order of the learned Single Judge. The appeal accordingly fails and the same is ***dismissed***. However, in view of the fact that the appellant has actually worked from 1997 till his retirement, he will be entitled to salary from the management of the educational institution.

**Sd/-  
(ANU SIVARAMAN)  
JUDGE**

**Sd/-  
(VENKATESH NAIK T)  
JUDGE**

AM  
List No.: 1 Sl No.: 4