



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 23513 OF 2025 (S-RES)

BETWEEN:

S KUMAR
S/O LATE J. SUNDAR
AGED ABOUT 48 YEARS
R/AT KUVEMPU NAGAR, HANUR
KOLLEGAL TALUK
CHAMARAJNAGAR DISTRICT-571439

...PETITIONER

(BY SRI. SRIKANTH M P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF PRIMARY AND
SECONDATION EDUCATION
M.S.BUILDING, BANGALORE-560001.
2. THE COMMISSIONER FOR PUBLIC INSTRUCTIONS
NEW PUBLIC OFFICES, NRUPATHUNGA ROAD
BANGALORE 560 001.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
NEW PUBLIC OFFICES
NRUPATHUNGA ROAD
BANGALORE 560 001.
4. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
NEW PUBLIC OFFICES
NRUPATHUNGA ROAD
BANGALORE 560 001.

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



5. BLOCK EDUCATION OFFICER
KOLLEGAL, CHAMARAJNAGAR 571 440.
6. KOLLEGAL TALUK VIDYA SAMASTHE
KOLLEGAL, CHAMARAJNAGAR - 571 440
REP. BY ITS SECRETARY.

...RESPONDENTS

(BY SMT ANITHA N, AGA FOR R1 TO R5:
R6 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT BEARING NO. C8(4)/SHA.SHI.E. UOO.NYA.PRA/W.P.55647/2024-25 DATED 28/03/2025 ISSUED BY THE R3 VIDE ANNEXURE-K AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the endorsement dated 28.03.2025 issued by respondent No.3 vide Annexure-K, wherein it is stated that the petitioner is entitled to all service benefits only from the date on which the appointment order was issued.

2. The case of the petitioner is that his father, late J. Sundar, was an employee of the sixth respondent. He was



working as a Craft Teacher in the institution run by the sixth respondent in an aided post. The petitioner's father died on 15.02.1993 while in service. Thereafter, the petitioner submitted an application dated 05.12.1995 seeking appointment on compassionate grounds, as per Annexure-A. The said application was kept in abeyance on the ground that there was no vacant post, with an assurance that the same would be considered as and when vacancies arose.

3. Further, the case of the petitioner is that in the year 2003 a vacancy arose, and he was appointed by the sixth respondent-Management as a Second Division Assistant. Thereafter, the petitioner approached the authorities for approval of his appointment. However, his request was rejected by endorsement dated 06.05.2006 on the ground that the application was filed belatedly.

4. Aggrieved by the same, the petitioner approached this Court by filing W.P.No.17330/2006. This Court, by



order dated 24.06.2008 vide Annexure-C, remitted the matter back to the respondents for reconsideration of the petitioner's case, directing them to treat the second application as having been filed within time. Challenging the said order, the State preferred an appeal in W.A. No.3566/2009, which came to be dismissed by order dated 28.09.2010 (Annexure-D).

5. Subsequently, by order dated 28.01.2012 vide Annexure-E, the respondents approved the appointment of the petitioner with effect from 21.10.2011 and permitted him to draw salary. Thereafter, the petitioner submitted a representation dated 30.05.2016 vide Annexure-F, seeking all service benefits from the date of his appointment in the year 2003. Since the said representation was not considered, the petitioner once again approached this Court by filing W.P. No.55647/2016. This Court, by order dated 12.04.2023, directed the respondents to consider the petitioner's representation. Pursuant to the said



direction, the impugned endorsement dated 28.03.2025 came to be issued vide Annexure-K.

6. The learned counsel appearing for the petitioner submits that the vacancy arose in the year 2003 and the sixth respondent appointed the petitioner against an existing vacancy. Despite this, the petitioner's appointment was not approved, compelling him to approach this Court by filing W.P. No.17330/2006. Though this Court, by order dated 24.06.2008, directed the respondents to consider and approve the petitioner's appointment, the approval order was issued only in the year 2012. It is contended that the delay in issuing the approval order was purely on administrative reason and cannot be held against the petitioner for denying service benefits. In support of this contention, reliance is placed on the judgment of a Division Bench of this Court in W.A. No.1390/2007, the relevant portion of which is extracted below:



"11. The learned Government Advocate contended that the first respondent cannot claim the financial benefits of the post of Head Master even from 21.11.1999, as the promotion of the first respondent was approved by the competent authority only on 06.09.2001. According to the learned Government Advocate, consequent on approval of appointment, financial benefits will be available only from the date of the order approving the appointment/promotion. Reliance is placed on a Government letter, dt.29.10.1997, a copy of which is not placed on record. Even assuming that the said Government letter provides that financial benefits will be available only from the date of approval, we are of the view that such a stipulation or condition is unjust and unreasonable. If an eligible and qualified person has been appointed to an existing vacancy in accordance with the Rules and if he actually discharged the functions of that post, the mere administrative delay on the part of the Department to issue orders granting approval to the appointment cannot result in the denial of financial benefits of the post to the person appointed to the post. Otherwise, in the order granting approval it should be clearly stated that approval is given only with effect from the date of the order granting approval and that the appointee



was not entitled to the appointment prior to that date. When the Department has no case that the appointee was not entitled to the appointment on the date on which he was actually appointed, the Department cannot deny the financial benefits of the post to the appointee only on the ground that the Department took its own time to pass orders granting approval. Hence, we are of the view that there is absolutely no justification for denying the financial benefits to the first respondent for the period from 21.11.1999, the date on which he was actually appointed as Head Master and which appointment was duly approved by the Department."

7. He further submits that even though this Court, while disposing of W.P.No.17330/2006 on 24.06.2008, directed the respondents to consider the application of the petitioner for appointment on compassionate grounds, a Division Bench of this Court, in W.P. No.202187/2023 disposed of on 25.07.2025, has subsequently issued guidelines governing the implementation of compassionate appointments.



8. The learned Additional Government Advocate appearing for the State contends that since the petitioner's appointment was approved in the year 2012, he is entitled to monetary benefits only from the date of such approval. She further contends that the appointment made by the Management in the year 2003 was not examined to ascertain whether it was in accordance with the provisions of law.

9. The delay in issuing the appointment order dated 28.01.2012 is due to administrative delay. Under the circumstances, the petitioner cannot be denied the service benefit, provided he was appointed in accordance with law and had been discharging his duties. Without considering this aspect of the matter, the impugned endorsement has been issued.

10. In view of the above, the following order is passed:

(i) The writ petition is allowed.



(ii) The impugned endorsement dated 28.03.2025 vide Annexure-K issued by the third respondent is quashed.

(iii) The respondents are directed to reconsider the matter afresh, in accordance with law, taking into consideration the judgment of this Court in W.A. No.1390/2007 and also to examine whether the petitioner's appointment was made in accordance with law and whether he was discharging his duties in the said post.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 69