



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 1335 OF 2020 (S-RES)

BETWEEN:

SMT. R MANJULA
W/O SRI K P MANJUPRAKASH,
AGED ABOUT 44 YEARS,
ASSISTANT SCIENCE TEACHER (PCM)
ARYAPUTHRA HIGH SCHOOL,
KESARAMADU,
TUMKUR TALUK,
R/O SHIVA KRUPA,
OPP TO SURAKSHA HOSPITAL,
III CROSS, SIT EXTENSION,
TUMKUR-572102

...PETITIONER

(BY SRI. V B SIDDARAMAIAH, ADVOCATE)

AND:

1. THE SECRETARY,
DEPARTMENT OF PRIMARY AND SECONDARY
EDUCATION
GOVERNMENT OF KARNATAKA,
M.S.BUILDING,
BENGALURU-560001
2. THE COMMISSIONER
DEPARTMENT OF PUBLIC INSTRUCTIONS,
NRUPATHUNGA ROAD,

Digitally
signed by
SHILPABAI S

Location
HIGH
COURT OF
KARNATAKA





BENGALURU-560001

3. THE DIRECTOR (PRIMARY AND SECONDARY
EDUCATION)
O/O THE COMMISSIONER OF PUBLIC
INSTRUCTIONS,
NRUPATHUNGA ROAD,
BENGALURU-560001
4. THE DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC INSTRUCTIONS,
TUMKUR-572101
5. THE BLOCK EDUCATION OFFICER
TUMKUR SOUTH DISTRICT,
DR RADHAKRISHNAN ROAD,
S S PURAM,
TUMKUR-572101
6. ARYAPUTRA EDUCATION SOCIETY (R)
KESARAMADU,
TUMKUR TALUK,
TUMKUR-572104
REPRESENTED BY ITS SECRETARY,
SMT C K PREMA,
W/O SRI MAGADI RANGAIAH

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA ROR R1 TO R5
R6 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER / LETTER DTD.19.6.2019 ISSUED BY R-4
IN No.ANU-2-NE.ANU.BA 26/2018-19 AS PER ANENXURE-P IN
SO FAR AS IT RELATES TO THE DENIAL OF THE BENEFIT OF
SALARY GRANT TO THE PETITIONER FROM THE DATE OF HER
APPOINTMENT ON 12.6.2013 BY ISSUE OF WRIT IN THE
NATURE OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION
AS THE CASE MAY BE; CONSEQUENTLY DIRECT R-1 TO R-5 TO
RELEASE THE SALARY GRANT FROM THE DATE OF THE



APPOINTMENT OF THE PETITIONER AS ASSISTANT SCIENCE TEACHER (PCM) ON 12.6.2013 IN R-6 HIGH SCHOOL; TO DIRECT R-6 TO SUBMIT THE PROPOSAL OF THE PETITIONER FOR THE RELEASE OF THE SALARY GRANT W.E.F THE DATE OF HER APPOINTMENT ON 12.6.2013.

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:

- (a) *Quash the order/letter dated 19.06.2019 issued by respondent No.4 in No.Anu-2-Ne.Anu.Ba 26/2018-19 as per Annexure-P in so far as it relates to the denial of the benefits of salary grant to the petitioner from the date of her appointment on 12.06.2013 by issue of writ in the nature of certiorari or any other writ or direction as the case may be;*
- (b) *Consequently direct respondent Nos.1 to 5 to release the salary grant from the date of the appointment of the petitioner as Assistant Science Teacher (PCM) on 12.06.2013 in respondent No.6's High School;*
- (c) *To direct respondent No.6 to submit the proposal of the petitioner for the release of the salary grant w.e.f. the date of her appointment on 12.06.2013;*
- (d) *To grant such other relief/s as deems fit in the circumstances of the case and allow the writ*



petition with costs in the interest of justice and equity.

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

Respondent No.1 granted permission to respondent No.6 to commence the Kannada Medium High School for the academic year 1991-92. Respondent No.6 has obtained the approval of appointment of six teaching and non-teaching staffs. The petitioner was appointed as Assistant Science Teacher (PCM) against the sanctioned post, vacant post caused on the resignation of Sri Narasimha Murthy on 27.12.2012. The petitioner reported for duty as Assistant Science Teacher (PCM) on 12.06.2013. Respondent No.1 rejected the claim of respondent No.6 for approval of appointment of the petitioner and release of salary vide order dated 29.07.2015. Respondent No.6, aggrieved by the order dated 29.07.2015, approached respondent No.1 in R.P.No.132/2014. The said revision petition came to



dismissed vide order dated 29.07.2015. Respondent No.6, aggrieved by the order passed by respondent No.1, filed the writ petition in W.P.No.57452/2015. This Court, vide order dated 26.03.2018, allowed the writ petition and quashed the order dated 29.07.2015 passed in R.P.No.132/2014 by respondent No.1 vide Annexure-A therein was set aside and respondent No.2-the Commissioner, Department of Public Instructions was directed to consider the claim of the petitioner i.e. respondent No.6 herein for approval of appointment of Smt. R. Manjula i.e., the petitioner herein, made by respondent No.6 for the post of Assistant Science Teacher (PCM), in the light of the Government Orders dated 16.11.1995 and 07.09.1998 and the judgments of this Court and the Hon'ble Supreme Court produced at Annexures J and K respectively within 3 months from the date of the receipt of the copy of this order. Pursuant to the order passed by this Court, respondent No.4 has passed the impugned order vide Annexure-P. The



petitioner, aggrieved by the impugned order, filed this writ petition.

3. The respondents filed a statement of objections contending that the revision petition of the management to consider the General Merit post of the Assistant Teacher to the petitioner instead of S.C. category post to the appeal to the Government and the Government dismissed the revision petition on the grounds in the roster policy and also to take prior permission from the department for filling up the post as per norms. It is contended that the post of the petitioner was approved by the Director of Public Instructions (Secondary Education) dated 14.01.2019 with grant. The salary and other benefits are effected from 14.01.2019. The new grants period 12.06.2013 to 13.01.2019 is not liable to salary and other monetary benefits. It is contended that non-grant period of the petitioner dated 12.06.2013 to 13.01.2019 was unaided period and is not considered as per the memo



dated 12.02.2014. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner and also learned Government Advocate for the respondents.

5. Learned counsel for the petitioner submits that the petitioner was appointed as an Assistant Science Teacher (PCM) vide order dated 10.06.2013. Respondent No.6 has recommended for approval of appointment of the petitioner as an Assistant Science Teacher (PCM). The respondents have declined to approve the appointment of the petitioner as an Assistant Physics Teacher (Assistant Science Teacher) (PCM). Respondent No.6 filed a writ petition in W.P.No.57452/2015. This Court, while allowing the writ petition, directed respondent No.2 therein to consider the claim of respondent No.6 for approval of appointment of petitioner made by respondent No.6 for the post of Assistant Science Teacher. In the light of the



Government Orders dated 16.11.1995 and 07.09.1998, respondent No.4 without considering the Government orders referred in the W.P.No.57452/2015 passed an impugned order. The impugned order passed by respondent No.4 is not in compliance with the order passed in the W.P.No.57452/2015. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned Additional Government Advocate submits that respondent No.4 has not passed any order in compliance with the observations made in the earlier writ petition. She submits that if the impugned order may be passed and the matter may be remitted to respondent No.4, respondent No.4 will reconsider the case of the petitioner in terms of the order passed in the aforesaid writ petition. Hence, on these grounds, she prays to dismiss the writ petition.



7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is an undisputed fact that the petitioner was appointed as Assistant Science Teacher (PCM) in 2013. Respondent No.6 has recommended for approval of the appointment of the petitioner as Assistant Science Teacher (PCM). Respondent No.4 has rejected the recommendation made by respondent No.6. Respondent No.6, aggrieved by the order, preferred revision petition before the Government in R.P.No.132/2014. The Government dismissed the revision petition vide order dated 29.07.2015. Respondent No.6 aggrieved by the order passed in R.P.No.132/2014, filed a writ petition in W.P.No.57452/2015. This Court, vide order dated 26.03.2018, set aside the order passed in R.P.No.132/2014 and directed the Commissioner, Department of Public Instruction to consider the claim of respondent No.6 for approval of the appointment of the petitioner herein,



made by the respondent No. 6 for the post of Assistant Science Teacher (PCM), in the light of the Government orders dated 16.11.1995 and 07.09.1998 and the Judgments of this Court and the Hon'ble Supreme Court produced at Annexures J and K respectively. Pursuant to the order passed by this Court respondent No.4 has passed an impugned order vide Annexure-P. From the perusal of the impugned order there is a reference about the Government Order dated 16.11.1995 and 07.09.1998 and the judgment of this Court as well as the Hon'ble Apex Court vide Annexures J and K. The impugned order passed by respondent No.4 is not in compliance with the order passed by this Court in W.P.No.57452/2015. The respondent No.4 has neither referred the government order nor the order passed by the Supreme Court. Thus, the impugned order passed by respondent No.4 is contrary to the order passed by this Court in W.P.No.57452/2015. Hence, on these grounds, alone the impugned order is liable to be set aside.



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

ORDER

- i. The Writ Petition is ***allowed***.
- ii. The impugned order vide Annexure P is hereby quashed.
- iii. Respondent No.4 is directed to consider the claim of the petitioner for approval of appointment for the post of the Assistant Science Teacher (PCM) in terms of the order passed by this Court in W.P.No.57452/2015 within a period of one month from the date of the receipt of the copy of this order.
- iv. Pending application/s, if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SSB