



CNR: KAHC010648942026

NC: 2026:KHC:53609
WP No. 29832 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 29832 OF 2026 (S-RES)

BETWEEN:

1. SRI.VILAS NAIK
SON OF HANUMANTHA RAO,
AGED ABOUT 53 YEARS,
ASSOCIATE PROFESSOR IN
COMPUTER SCIENCE AND ENGINEERING,
BASAVESHWARA ENGINEERING COLLEGE,
BAGALAKOTE-587 101

... PETITIONER

(BY SRI. JANARDHANA G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MINISTRY OF HIGHER EDUCATION,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO EDUCATION,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. THE COMMISSIONER FOR COLLEGIATE AND
TECHNICAL EDUCATION,
GOVERNMENT OF KARNATAKA,
SESHADRI ROAD,
BENGALURU - 560 001.

Digitally
signed by
PRAKASH N
Location:
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:53609
WP No. 29832 of 2026

CNR: KAHC010648942026

3. THE DIRECTOR OF TECHNICAL EDUCATION,
PALACE ROAD,
BENGALURU - 560 001.

4. THE PRINCIPAL
BASAVESHWARA ENGINEERING COLLEGE,
BAGALAKOTE - 587 101

... RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 TO R3;
NOTICE TO R4 IS DISPENSED WITH
V/O DATED 28.09.2026)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASHING ACT
NO.7/2014 (KARNATAKA PRIVATE AIDED EDUCATIONAL
INSTITUTIONS EMPLOYEES ACT 2014) IN SO FAR AS THE
PETITIONER IS CONCERNED ONLY VIDE ANNEXURE-C
PUBLISHED ON 12/02/2014 BY RESPONDENT NO.1 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner who is stated to be a Lecturer in
Computer Science working with the 4th respondent College
has sought for the relief of setting aside Act No.7 of 2014
i.e., Karnataka Private Aided Educational Institutions
Employees (Regulation of Pay, Pension and other Benefits)
Act, 2014. He has further sought for granting the benefit



of the judgment passed by this court in W.P.No.21216/2014 and connected matters.

2. At the time of consideration of the matter, reliance is placed on the order passed in W.A.No.2476/2015 and connected matters dated 24.07.2026.

3. A perusal of the said order would reveal that writ petitions assailing the constitutional validity of the Act in question was set aside and W.P.No.21216/2014 and connected matters came to be allowed. The same was challenged in W.A.No.2476/2015 and connected matters.

4. Learned Government Advocate appearing for the respondents submits that while the order in writ petition was affirmed, however the nature of relief that flowed to the petitioner is on the basis of the observations made in para 61. Taking note of the same and on perusal of para 61, the present petition could be disposed of.

5. Para 61 of the judgment reads as follows:



CNR: KAHC010648942026

NC: 2026:KHC:53609
WP No. 29832 of 2026

"61. It is also necessary to clarify the extent of the relief that would flow from the present judgment. The issue involved in the present batch of matters is confined to whether the service rendered by employees during the non-grant period is liable to be reckoned for the purpose of fixation of pay and other consequential service benefits. Neither the provisions governing grant-in-aid nor the statutory framework casts any liability upon the State to pay salary for the period prior to admission of the post to grant-in-aid. As produced supra, Annexure-I of Rules, 1999 would make it abundantly clear that the management shall be liable for payment of salary and other benefits till the date such posts are admitted into grant-in-aid. The liability to pay salary during the non-grant period continues to rest upon the management of the concerned institution. Consequently, the service rendered during the said period shall be taken into account only for the purpose of notional fixation of pay as on the date of admission of the post to grant-in-aid and for extending consequential benefits such as pension and other service benefits. The employees shall not be entitled to claim arrears of salary or any other monetary benefits from the



CNR: KAHC010648942026

NC: 2026:KHC:53609
WP No. 29832 of 2026

*State for the period preceding the admission of
the post to grant-in-aid."*

Taking note of the above, entitlement of the petitioners would be as observed by the court in the observations contained in para 61.

6. Accordingly, the petition is allowed. Respondent nos.1 to 3 to take note of the observations made above and reckon service of the petitioner from the date of appointment for the purpose of notional fixation of pay in order to calculate benefits such as pension and other service benefits. Accordingly, the petition is disposed of.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

NP
List No.: 2 Sl No.: 10