HC-KAR

NC: 2026:KHC:55021
WP No. 3986 of 2022

CNR: KAHC010077862022

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

**DATED THIS THE 1ST DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV**

**WRIT PETITION NO. 3986 OF 2022 (S-RES)**

**BETWEEN:**

1. SRI L SHADAKSHARI S D A
SON OF THE LATE A LINGAIAH,
AGED ABOUT 70 YEARS,
SRI VIDYAGANAPATHI HIGH SCHOOL
BIDARAKOTE, KOPPA HOBLI,
MADDUR TALUK - 571 425,
MANDYA DISTRICT,

RESIDING AT DOOR NO.974,
14TH CROSS, V.V.NAGAR,
KALLAHALLY, MANDYA CITY.

2. SRI C K SOMEGOWDA
SON OF KULLEGOWDA,
AGED ABOUT 69 YEARS,
HEADMASTER,
SRI VIDYAGANAPATHI HIGH SCHOOL,
BIDARAKOTE, KOPPA HOBLI,
MADDUR TALUK,
MANDYA DISTRICT - 571 425,

RESIDING AT "HOLAPU",
CHOTTANAHALLY,
KOPPA HOBLI,
MADDUR TALUK,
MANDYA DISTRICT.

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Location: HIGH COURT OF KARNATAKA

3. SRI KRISHNEGOWDA
SON OF HEBREGOWDA,
AGED ABOUT 63 YEARS,
PEON-CUM-WATCHMAN,
SRI VIDYAGANAPATHI HIGH SCHOOL,
BIDARAKOTE - 571 425
KOPPA HOBLI, MADDUR TALUK,
MANDYA DISTRICT.

RESIDING AT BIDARAKOTE,
KOPPA HOBLI, MANDYA TALUK,
MANDYA DISTRICT - 571 425.

…PETITIONERS

(BY SRI. JANARDHANA G., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF PRIMARY AND SECONDARY
EDUCATION BENGALURU
BENGALURU - 560 001.

2. THE COMMISSIONER OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

3. THE HEADMASTER
SRI VIDYAGANAPATHI HIGH SCHOOL,
BIDARAKOTE, KOPPA HOBLI,
MADDUR TALUK, MANDYA DISTRICT - 571 425.

…RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 AND R2

R3 SERVED)

CNR: KAHC010077862022

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO GRANT THE BENEFIT OF THE JUDGEMENT PASSED BY THIS HONBLE COURT IN WRIT PETITION NO. 21216/2014 ALONG WITH CONNECTED MATTERS DATED 10.07.2015 VIDE ANNX-D IN QUASHING ACT 7/2014 THE KARNATAKA EDUCATIONAL INSTITUTIONS (RECRUITMENT AND TERMS AND CONDITIONS OF EMPLOYEES IN AIDED COLLEGES OF EDUCATION, TEACHERS TRAINING INSTITUTIONS) ACT TO TREAT THEM ON PAR WITH THE LECTURERS / EMPLOYEES WORKING IN THE GOVERNMENT INSTITUTIONS OR IN CASE THEIR NON-GRANT PERIOD ALSO FOR SETTING SERVICE / PENSIONARY BENEFITS, THE SAME MAY BE GRANTED TO THE PETITIONERS ALSO.

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

1. The petitioners are stated to be working in the third respondent- college and have filed the present petition seeking for setting aside Act 7/2014 namely the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Employees in aided colleges of

education, teachers training institutions) Act and to treat them on par with lecturers/employees working in Government institutions and for settling their service/pensionary benefits.

2. Learned counsel for the petitioners submits that matter may be disposed of directing the respondents to consider the case of the petitioners for grant of benefits as flow from observations made by the Division Bench in para 61 in W.A.No. 2476/2015 and connected matters.

3. 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.

4. A perusal of the said order would reveal that writ petitions assailing the constitutional validity of the Act in question was allowed 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.

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

6. Para 61 of the judgment reads as follows:

> *"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 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.

7. Accordingly petition is allowed. Respondents No.1 and 2 are directed to take note of the observations made above and reckon services of the petitioners from the date of appointment i.e. appointment pre grant in aid

for the purpose of extending benefits as would flow from para 61 of the order in Writ Appeal mentioned above.

8. Needless to state, the respondents to complete consideration and pass appropriate orders within a period of six months.

9. Accordingly, the petition is ***disposed of***.

Pending IAs, if any, stand disposed of accordingly.

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

SKS