IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.56814 OF 2017 (S-RES)

BETWEEN:

SRI. RAMACHANDRA G.D. B.E (E & C)
S/O G.H. DODDAIAH
AGED ABOUT 50 YEARS
LECTURER, E&C DIVSIION
D.V.S. POLYTECHNIC COLLEGE
SHIVAMOGGA – 577 201.

...PETITIONER

(BY SRI. A. NAGARAJAPPA, FOR
SRI. S.N. SAMEER, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
HIGHER EDUCATION DEPARTMENT,
REP: BY ITS PRINCIPAL SECRETARY
M.S. BUILDING,
AMBEDKAR VEEDHI,
BANGALORE 560 001.

2. THE STATE OF KARNATAKA
REP: BY ITS DIRECTOR,
DIRECTORATE OF TECHNICAL EDUCATION,
PALACE ROAD,
BANGALORE 560 001.

3. DESHEEYA VIDYA SAHALA SAMITHI (R)
(AIDED) REPRESENTED
BY ITS SECRETARY,
SIR M.V. ROAD,
BASAVESHWARA CIRCLE,
SHIVAMOGGA – 577 201.

4. DESHEEYA VIDYA SHALA SAMITHI
POLYTECHNIC COLLEGE (AIDED)
REP: BY ITS PRINCIPAL,

Digitally signed by CHANDANA B M
Location: High Court of Karnataka

SIR M.V. ROAD,
BASAVESHWARA CIRCLE
SHIVAMOGGA – 577 201.

…RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R-1 & R-2;
SRI. S.V. PRAKASH, ADVOCATE FOR R-3 & R-4)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 03.08.2017, IN GOVERNMENT ORDER NO.01 TPE 2015, BANGALORE, PASSED BY THE 2ND RESPONDENT THE DIRECTOR, DIRECTORATE OF TECHNICAL EDUCATION I.E., ANNEXURE-A 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 S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

i) Issue a writ of certiorari, by set-aside the impugned order dated 03.08.2017, in Government Order No.01 TPE 2015, Bangalore, passed by the 2nd Respondent the Director, Directorate of Technical Education i.e., Annexure-A, in the interest of justice and equity.

ii) Issue direction by directing the 2nd Respondent Director, Directorate of Technical Education, for Post Approval for Grant in aid Salary Benefits from the Government to the petitioner, and also all Grant in aid consequential benefits, in the interest of justice and equity.

iii) Grant such other and further reliefs as this Hon'ble Court may deem fit grant under the circumstances of the case.

2. Heard learned counsel for the petitioner and learned AGA for respondent Nos.1 and 2 and learned counsel for respondent Nos.3 and 4 and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner is aggrieved by the impugned order at Annexure – A dated 03.08.2017, whereby respondent Nos.1 and 2 rejected the claim of the petitioner for the benefit of grant-in-aid on the ground that the petitioner joined services of respondent Nos.3 and 4 on 01.07.2006, by which time he was age barred since he was already aged about 39 years as on that date. According to the petitioner, he joined service with respondent Nos.3 and 4 on 01.07.2003 and not on 01.07.2006 and as on 01.07.2003 when he entered services of respondent Nos.3 and 4, petitioner was not aged about 39 years and he was not age barred for him to obtain the benefit of grant-in-aid. It is also submitted that respondent Nos.1 and 2 have come to the erroneous conclusion that the petitioner joined service on 01.07.2006 without conducting necessary enquiry and without providing sufficient and reasonable opportunity to the petitioner, which is in violation of principles of natural justice and as such, the impugned order deserves to be set aside and respondent Nos.1

and 2 be directed to grant the benefit of grant-in-aid in favour of the petitioner.

4. Per contra, learned counsel for respondent Nos.3 and 4 on instructions submitted that the petitioner had indeed joined the services of respondent Nos.3 and 4 – Institution on 01.07.2003 and not on 01.07.2006 as contented by respondent Nos.1 and 2 and appropriate orders may be passed in the instant case.

5. Per contra, learned AGA for respondent Nos.1 and 2 submits that there in no merit in the petition and that the same is liable to be dismissed.

6. As rightly contented by learned counsel for the petitioner, before rendering a finding that petitioner joined service on 01.07.2003 and not on 01.07.2006 as contented by him, the respondents did not conduct any enquiry nor provide sufficient or reasonable opportunity to the petitioner thereby violating principles of natural justice. Under these circumstances, I deem it just and appropriate to set aside the impugned order at Annexure – A dated 03.08.2017 and remit the matter back to respondent No.2 for reconsideration afresh after conducting necessary enquiry and

providing sufficient and reasonable opportunity to the petitioner and to pass appropriate orders afresh in accordance with law.

7. In the result, I pass the following:

ORDER

(i) The petition is hereby ***allowed***.

(ii) The impugned order at Annexure – A dated 03.08.2017 passed by respondent No.2 insofar as it relates to rejecting the claim of the petitioner is concerned, is hereby set aside.

(iii) Matter is remitted back to respondent No.2 for reconsideration of the issue / question as to whether the petitioner joined service of respondent Nos.3 and 4 on 01.07.2003 or on 01.07.2006 after conducting necessary enquiry and providing sufficient and reasonable opportunity to the petitioner.

(iv) Petitioner shall appear before respondent No.2 on **06.05.2026** without awaiting further notice.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV
List No.: 1 Sl No.: 103