IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 750 OF 2026 (S-RES)

BETWEEN:

1. THE STATE OF KARNATAKA,
   BY ITS SECRETARY TO GOVERNMENT,
   PRIMARY AND SECONDARY EDUCATION
   DEPARTMENT, M.S. BUILDING,
   DR. AMBEDKAR VEEDHI,
   BANGALORE - 560 001.

2. THE DIRECTOR,
   PRE-UNIVERSITY
   EDUCATION DEPARTMENT,
   18TH CROSS, MALLESWARAM,
   BANGALORE - 560 018.

3. THE DEPUTY DIRECTOR,
   PRE UNIVERSITY
   EDUCATION DEPARTMENT,
   TUMKUR DISTRICT,
   TUMKURU.

...APPELLANTS

(BY SRI. M.N. SUDEV HEGDE., AGA)

AND:

1. SRI. C. RAMAKRISHNA,
   S/O SRI CHIKKADASAPPA,
   AGED ABOUT 48 YEARS,
   WORKING AS LIBRARIAN

Digitally signed by REKHA R
Location: High Court of Karnataka

DR. B.R. AMBEDKAR
PRE-UNIVERSITY COLLEGE,
BEHIND ASST. COMMISSIONER'S OFFICE,
MADHUGIRI TOWN,
TUMKURU DISTRICT.
RESIDING AT SRINIVASA EXTENSION,
SIRA GATE, MADHUGIRI,
TUMKURU DISTRICT.

2. SRI NARASIMHASWAMY VIDYA SAMASTHE (R),
MADENAHALLI - 572 112 MADHUGIRI,
TUMKURU DISTRICT,
REPRESENTED BY ITS SECRETARY

3. THE PRINCIPAL,
DR. B.R. AMBEDKAR PRE-UNIVERSITY COLLEGE
MADHUGIRI-572132,
TUMKURU DISTRICT.

…RESPONDENTS

(BY SRI. SRIKANTH M P.,ADVOCATE FOR R1;
R2 AND 3 - SERVED & UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO a)SET ASIDE THE ORDER DATED 09/08/2024 PASSED BY THE HONBLE SINGLE JUDGE IN WP NO.46504/2012b)DISMISS THE ORIGINAL WRIT PETITION AND UPHOLD THE ENDORSEMENT DATED 25/08/2012 ISSUED BY THE APPELLANTS.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T M NADAF)

The State of Karnataka and its instrumentalities - respondents 1 to 3 in W.P.No.46504/2012 are before us in this appeal filed under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 09.08.2024 passed by the Writ Court. Under the impugned order, the Writ Court allowed the Writ Petition and quashed the Endorsement dated 25.08.2012 issued by respondent No.2. Consequently, directed respondents 1 and 2 to approve the appointment of the petitioner for salary grant retrospectively from the date of similarly situated appointees were admitted for salary grant and grant all consequential benefits to the petitioner.

2. The parties are referred to as per their ranking before the Writ Court.

3. The brief facts leading to filing of this appeal are as under:

It is the claim of the petitioner that he was appointed by respondent No.4 as a Librarian. The requisite qualification for Librarian was Bachelor in Library and Information Science. At the time of appointment, the petitioner did not possess the same, but subsequently acquired it in 1993. Respondent No.2 in terms of the Communication dated 14.10.1998 addressed to respondent No.4 informing that the petitioner did not possess the requisite qualification at the time of his appointment as a Librarian and therefore, his appointment cannot be approved. Respondent No.4 then represented by respondent No.2, that the appointments of similarly placed candidates who did not possess the requisite qualification as on the date of their appointments and who had acquired the additional qualification later were approved, therefore requested respondent No.2 to approve the appointment of the petitioner with salary grant.

It is the contention of the petitioner that, since similarly situated persons who are appointed and subsequently acquired the prescribed qualification within 3 years from the date of their appointment have been granted benefits, as he is also placed in similar situation should be given the benefit on parity. Earlier the petitioner filed a Writ Petition in No.27929/2011 and the same was disposed of on 22.02.2012 directing respondent No.2 to consider the issue afresh.

4. In response to the order passed by this Court, respondent No.2 issued Endorsement dated 25.08.2012 rejecting the proposal sent by respondent No.4 on the ground that sufficient number of students had not taken the examination of Secondary and Pre-University Course in respondent No.4. Aggrieved by the Endorsement, the petitioner was before the Writ Court contending that the petitioner was appointed in the year 1989 which was approved by respondent No.1 without aid on 31.10.1995 and therefore, the Government Order dated 27.11.2000

prescribing the guidelines was not applicable to him and sought to extend the similar benefits extended to other similarly situated persons.

5. The Writ Court in order to ascertain and satisfy itself as to whether Bachelor of Science acquired by the petitioner from the Indira Gandhi Open University was recognized by respondent No.2, directed the Additional Government Advocate to secure instructions from respondent No.2. In response, an official from the office of respondent No.2 by name Mr.Puttalingappa, First Division Assistant furnished a declaration dated 09.08.2024 stating that the degree offered by India Gandhi Open University is recognized by respondent No.2 for the purpose of admitting the petitioner for salary grant.

6. The Writ Court having found that once the petitioner's appointment was approved by respondent No.1 and when similarly situated person whose appointment were approved by respondent No.2 and

admitted to salary grant, were given liberty to secure additional qualification within three years, the petitioner standing in the same line be considered with the same relief. The Writ Court further observed that the reliance placed by respondent No.1 on the Government Order dated 27.11.2000 is inapplicable to the case of the petitioner as his appointment was approved way back in the year 1995. Having come to such conclusion, the Writ Court allowed the petition and quashed the endorsement and directed the respondents to grant the similar benefit granted to similarly situated persons stated supra. It is this order passed by the Writ Court is called in question in this appeal.

7. Heard, Sri.M.N.Sudev Hegde, learned Additional Government Advocate appearing for the appellants and Sri.M.P.Srikanth, learned counsel appearing for respondent No.1. Respondent Nos.2 and 3 though served, remained unrepresented.

8. The law on treating similarly placed person be treated similarly is no more *res-integra.* The Supreme Court in the case of ***LT.COL. SUPRITA CHANDEL vs. UNION OF INDIA***,[1] held that the individual who are similarly situated to those who have already been granted relief by the Court need not be required to initiate separate proceedings for the same benefits. In paragraph Nos.14, 18 and 19, it has been stated as under:

> *"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See **Amrit Law Berry** vs. **Collector of Central Excise, New Delhi and Others,** (1975) 4 SCC 714].*
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> *xxx*
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> *18. The respondent authorities on their own should have extended the benefit of the judgment of AFT, Principal Bench in OA No.111 of 2013 and batch to the appellant. To illustrate, take the case of the valiant Indian soldiers bravely guarding the frontiers at Siachen or in other difficult terrain. Thoughts on conditions of service*

[1] Civil Appeal No.1943/2022, dated 09.12.2024

and job perquisites will be last in their mind. Will it be fair to tell them that they will not be given relief even if they are similarly situated, since the judgment they seek to rely on, was passed in the case of certain applicants alone who moved the court? We think that would be a very unfair scenario. Accepting the stand of the respondents in this case would result in this Court putting its imprimatur on an unreasonable stand adopted by the authorities.

19. The stand of the Department relying on the judgment of this Court in ***State of Maharashtra and Another*** *vs.* ***Chandrakant Anant Kulkarni and Others****, (1981) 4 SCC 130 to contend that mere reduction in chance of consideration did not result in deprivation of any right does not appeal to us. The appellant's case is founded on the principle of discrimination. What is sauce for the goose ought to be sauce for the gander. If the applicants in O.A.No.111 of 2013 whom we find are identically situated to the appellant were found to be eligible to be given a third chance for promotion, because they acquired eligibility before the amendment to AI No.37 of 1978 on 20.03.2013, we find no reason why the appellant should not be treated alike."*

9. The Division Bench of this Court in the case of ***NAGAPPA vs. STATE OF KARNATAKA***[2], held that it is not necessary that every person should approach this

[2] W.A. No.1856 of 1986, dated 01.08.1986

Court for a relief similar to the one already granted by the court in the earlier decisions. If a decision has been rendered by the Court, it would be proper for the authorities to follow and extend the benefit of that decision in like cases coming before them. That should be the guiding principle to be borne in mind in the administration. It is not proper to drive every person to seek relief in the Court. It is indeed the duty of the authorities to extend the benefits of the concluded decision of the Court to all other similar cases. The reasons for the decision are stated in paragraph Nos. 1 to 3, which reads as follows:

> *"This appeal is directed against the order dated April 2, 1986 of the learned Single Judge dismissing W.P.No.2518 of 1986. The petitioners therein are some persons interested either in purchasing or disposing of their landed properties. They apprehend that the Circular issued by the second respondent, which has been filed as Annexure'B' to the Writ Petition, requiring the registering authority to value the property at the rates mentioned therein would affect their interest, if any registration is to be made. The case of the appellants is that similar Circular has been held to be invalid by several decisions of this Court and in particular the decisions of this Court*

in ***M.G.Kulkarni*** *vs.* ***State of Karnataka and Nagaraj*** *vs.* ***State of Karnataka.***

2. We have perused the said decisions and also the averments made in the Writ Petition. In our opinion, it is not necessary for every person to approach this Court for a relief similar to the one already granted by this court in the aforesaid decisions. If a decision has been rendered by this Court, it would be proper for the authorities to follow and extend the benefit of that decision in like cases coming before them. That should be the guiding principle to be borne in mind in the administration. It is not proper to drive every person to seek relief in this Court. It is indeed the duty of the authorities to extend the benefits of the concluded decision of this Court to all other similar cases.

3. In our view, it is wholly unnecessary for the appellant to approach this Court by way of Writ Petitions. In view of the law laid down by this Court in the aforesaid decisions, which binds all the registering authorities in the State in the similar circumstances, it is not necessary to entertain the Writ Petition of the appellant.

With the above observations, the appeal stands disposed of."

10. The coordinate Bench of this Court in W.P.No.27354/2024 disposed of on 09.06.2025, referring to the Judgment of Apex Court in ***LT.COL. SUPRITA CHANDEL*** and the Judgment of the Division bench of this

Court in the case of ***NAGAPPA*** supra, at Paragraph Nos.16 and 17 held as under:

> *"16. The Tribunal after considering the case of the applicants i.e., respondent Nos.1 to 6 that they are 'similarly placed persons' to that of respondent Nos.7 to 12, which is not disputed by the petitioners herein, allowed the application and granted the relief in terms of the order passed by the Tribunal in Application Nos.504-511/2018, dated 18.07.2019.*
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> *17. We are alive to the situation that if the persons who had been granted the benefit forms a different class than that of the persons who are claiming the benefits on par with them. On the query as to whether the applicants before the Tribunal forms a different class than the respondent Nos.3 to 8 before the Tribunal, Smt.Hegde is unable to differentiate between the applicants and respondent Nos.3 to 8 before the Tribunal, this left us no other option than to hold that the stand of the Union amounts to discrimination as well as unfair ; in similarly situated persons, which is against the spirit of 'law of equality' and the principles of law laid down by the Hon'ble Apex Court, this Court, as well as other High Courts across the country."*

11. In view of the same, having gone through the entire order passed by the Writ Court, we find no reason to take a contra view which has been properly considered

and ordered by the Writ Court. In these circumstances, the appeal fails and accordingly is, ***dismissed***.

12. In view of dismissal of the appeal, pending I.As if any, shall stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 23