HC-KAR

NC: 2026:KHC:61929
WP No. 29649 of 2018

CNR: KAHC010219112018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 29649 OF 2018 (S-RES)

BETWEEN:

1. B. M. SHIVANANJAPPA
   S/O MADAPPA
   AGED ABOUT 55 YEARS,
   OCC: HEAD MASTER
   W/A: SREE GURUMALLESHWARA HIGH SCHOOL,
   KARYA VILLAGE, NANJANGUD TALUK,
   MYSORE DISTRICT.

2. S. NAGENDRA
   S/O LATE P. SUBBANNA,
   AGED ABOUT 55 YEARS,
   OCC: ASSISTANT TEACHER,

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Location: HIGH COURT OF KARNATAKA

3. K. M. JAYASHEELA
   D/O MAHADEVAPPA,
   AGED ABOUT 55 YEARS,
   OCC: ASSISTANT TEACHER,

4. H. K. SUNDARESHA
   S/O KALAIAH K.,
   AGED ABOUT 52 YEARS,
   OCC: PHYSICAL EDUCATION TEACHER,

5. B. MADANNA
   S/O BASAPPA M.,

AGED ABOUT 53 YEARS,
OCC: SDC,

PETITIONER NO.2 TO 5 ARE WORKING AT:
SHREE GURUMALLESHWARA HIGH SCHOOL,
HARAVE,
CHAMARAJANAGARA TALUK AND DISTRICT.

6. K. B. HANUMANTHAPPA
S/O LATE BASAPPA K.,
AGED ABOUT 56 YEARS,
OCC: PHYSICAL EDUCATION TEACHER,
W/A SHREE DEVARAJA URS,
PRE-UNIVERSITY COLLEGE,
JAGALUR TOWN,
DAVANAGERE DISTRICT.

…PETITIONERS

(BY SRI. CHANDRASHEKAR G. M., ADVOCATE)

AND:

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

2. THE COMMISSIONER,
PUBLIC INSTRUCTIONS,
NRUPATHUNGA ROAD,
BANGALORE-560001.

3. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
CHAMARAJANAGAR DISTRICT,
CHAMARAJANAGAR-571124.

4. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
MYSORE DISTRICT,
MYSORE-570024.

5. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
DAVANAGERE DISTRICT,
DAVANAGERE-577001.

…RESPONDENTS

(BY SMT. RASHMI RAO, HCGP FOR R1 TO R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT AUTHORITIES TO CONSIDER THEIR SERVICE BENEFITS IN TERMS OF THE ORDERS/DIRECTIONS DATED 20.04.2011 PASSED IN W.P.NO.5575/2009 AND OTHER CONNECTED PETITIONS AND ORDER DATED 03.11.2009 IN W.A.NO.450/2009 VIDE ANNEXURE-N AND P AND ORDER DATED 21.08.2013 PASSED IN SLP.NO.22176/2010 PRODUCED AT ANNEXURE-Q 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

CNR: KAHC010219112018

ORAL ORDER

The petitioners are stated to be the teaching and non-teaching staff and working since several years. The petitioners have filed the present petition seeking direction to the respondents to grant the financial service benefits by taking note of the date of appointment instead of the date of admitting their post to grant-in-aid so as to calculate their seniority, basic pay fixation, annual increment, time bound increment etc.,

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 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.

4. 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.

5. 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.

6. Accordingly, the petition is allowed. Respondents No.1, 3 to 5 to take note of the observations made above and reckon service of the petitioners from the date of appointment i.e., appointment pre grant-in-aid for the purpose of notional fixation of pay in order to calculate benefits such as pension and other service benefits. Such consideration to be completed within a period of six (6) months.

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

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 1 Sl No.: 1