HC-KAR

NC: 2026:KHC:59772
WP No. 13137 of 2026

CNR: KAHC010276712026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 13137 OF 2026 (S-RES)

BETWEEN:

1. SMT KAVITA YALLAPPA NALAWADA
D/O YALLAPPA BHAJANTRI,
AGED ABOUT 31 YEARS,
GILLA GRUHARAKSHANADALLA,
BANGALORE RURAL DISTRICT,
BANGALORE-560 001

RESIDENTIAL ADDRESS
R/AT. JAGADEV NAGAR, TALIKOTI ROAD,
MUDDHEBIHAL,
VIJAYAPURA 586 124

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

2. SRI. MANJUNATH A GONNAGAR,
S/O. AMBAREESH,
AGED ABOUT 30 YEARS,
PRESENTLY WORKING AT,
OFFICE OF SUPERINTENDENT OF POLICE,
EAST ZONE, DAVANAGERE,

RESIDENTIAL ADDRESS:
MAIN BAZAR, BEHIND VIJAYAMAHANTESH BANK,
MAIN ROAD, GUDUR S.C,
ILLKAL, BAGALAKOTE DISTRICT - 587 202

3. SRI. MUTTURAJ GINRENNAVAR,
S/O. BASAPPA,

AGED ABOUT 30 YEARS,
PRESENTLY WORKING AT,
OFFICE OF SUPERINTENDENT OF POLICE,
TUMKUR,

RESIDENTIAL ADDRESS,
MAIN BAZAR, BEHIND VIJAYAMAHANTESH BANK
MAIN ROAD, GUDUR S.C, ILLKAL,
BAGALAKOTE DISTRICT - 587 202

4. SRI. RANGANATHA R
S/O. RANGANATHA B
AGED ABOUT 34 YEARS,
PRESENTLY WORKING AT,
EXCISE GUARDS (MALE),
EXCISE DEPARTMENT, KOLARA

RESIDENTIAL ADDRESS:
YARAMADANAHLLI VILLAGE, SIRA TALUK,
TUMKUR DISTRICT-572125

5. SMT. SANGEETHA LAMANI. L
D/O.LAXMAN LAMANI,
AGED ABOUT 29 YEARS,
PRESENTLY WORKING AT:
GOVERNMENT KANNADA,
HIGHER PRIMARY BOYS SCHOOL,
KONNUR VILLAGE, WARD NO.5,
CHIKKODI TALUK,
BELAVAI DISTRICT

RESIDING ADDRESS, DEVIKOPPA VILLAGE,
TANDA POST, KALGHATAGI TALUK,
DHARWAD DISTRICT-581 204

6. SRI. SOMMANNA G
C/O. GURUPADASWAMI,
AGED ABOUT 33 YEARS,
PRESENTLY WORKING AT:
GRADUATE PRIMARY SCHOOL TEACHER FOR 6-8 CLASSES,
GOVERNMENT HIGHER PRIMARY SCHOOL,
KAREPURA, MYSORE DISTRICT

RESIDENTIAL ADDRESS:
R/AT. NO.105, BHAVIKATTE ROAD,
KETHAHALLI VILLAGE, MUGURU HOBLI,
T.NARASIPURA TALUK, MYSORE DISTRICT-571 124

7. SMT. SUNITHA,
C/O.CHANNABASAVA,
AGED ABOUT 31 YEARS,
PRESENTLY WORKING AT:
GOVERNMENT UPGRADE
HIGHER PRIMARY SCHOOL,
MUDDAMAGUDDI VILLAGE,
MANVI TALUK, RAICHUR DISTRICT

R/AT JANEKAL VILLAGE AND POST,
NEAR BUS STAND, MANVI TALUK,
RAICHUR DISTRICT- 584123

8. SRI. BHARGAV,
S/O.HANUMANTAPPA BASAPURA,
AGED ABOUT 29 YEARS,
PRESENTLY WORKING AT,
GRADUATE PRIMARY SCHOOL TEACHER, FOR 6-8 CLASSES,
GOVERNMENT MODEL HIGHER PRIMARY SCHOOL,
BETAGERI, KOPPALA DISTRICT

RESIDENTIAL ADDRESS:
R/AT TIMMAPUR VILLAGE,
OPPOSITE TO KVSR HIGH SCHOOL,
GADAG ROAD, GADAG DISTRICT- 582 115

9. NEELAMMAKARAGOND,
D/O.MALLAPPA,
AGED ABOUT 31 YEARS,
PRESENTLY WORKING AT,
ADDITIONAL DIRECTOR GENERAL OF POLICE
(ADGP), FOR THE INTERNAL SECURITY DIVISION IN
BANGALORE, NO.60, RICHMOND ROAD,
BANGALORE-560 025

RESIDENTIAL ADDRESS:
NEAR HANUMAN TEMPLE, MANNIKERI VILLAGE,
BILAGI TALUK,
BAGALAKOTE DISTRICT-587 116

10. VENU. T.V,
D/O. VENKATESH,
AGED ABOUT 33 YEARS,
PRESENTLY WORKING AT:
TRAINING PERIOD AT MYSORE FOR
POST OF SUB-INSPECTOR, MYSORE DISTRICT

RESIDENTIAL ADDRESSES:
THOREHALLY VILLAGE,
MADENHALLY POST,
GUBBI TALUK,
TUMKUR DISTRICT-572 216

11. SANGAMESH BAICHANBAL,
S/O. SHIVANAND BAICHANBAL,
AGED ABOUT 31 YEARS,

PRESENTLY WORKING AT:
3RD BATTALION, KSRP,
KORAMANGALA, BENGALURU- 560 034

RESIDENTIAL ADDRESS:
MASABINAL VILLAGE, BASAVANA BAGEWADI TALUK,
VIJAYAPURA DISTRICT-586 203

12. SANTHOSH LAMANI,
S/O. KHEERAPPA LAMANI,
AGED ABOUT 33 YEARS,
PRESENTLY WORKING AT:
8TH BATTALION, KSRP, MACHENAHALLI VILLAGE,
SHIVAMOGA TALUK AND DISTRICT-577 222

RESIDENTIAL ADDRESSES,
CHIMMALGI VILLAGE AND POST,
BASAVANA BAGEWADI TALUK,
BIJAPUR DISTRICT- 586 201

…PETITIONERS

(BY SRI. PRASANNAKUMAR.P., ADVOCATE)

AND:

1. THE DIRECTOR GENERAL, PRISONS
AND CORRECTIONAL SERVICE DEPARTMENT,
DEPARTMENT NO.04, SHESHADRI ROAD,
GANDHINAGAR, BANGALORE 560 020

2. THE CHIEF SUPERINTENDENT,
CENTRAL PRISONS, PARAPPANNA AGRAHARA
BANGALORE-560 068

3. THE DEPUTY DIRECTOR,
DEPARTMENT OF PRIMARY EDUCATION,

DEPARTMENT OF PUBLIC INSTRUCTION,
ANDROOM QUILLA,
RAICHUR-584 101

4. THE DEPUTY COMMISSIONER OF EXCISE,
GANDHINAGAR, KOLAR-563101

5. THE ADDITIONAL DIRECTOR OF POLICE (ADGP),
FOR THE INTERNAL SECURITY DIVISION IN
BANGALORE,
NO.60, RICHMOND ROAD,
BANGALORE-560 025

6. THE INSPECTOR GENERAL OF POLICE (IG),
CENTRAL RANGE,
NO.5. MILLERS ROAD, VASANTH NAGAR,
BANGALORE-560 001

7. THE DEPUTY DIRECTOR,
DEPARTMENT OF PRIMARY EDUCATION,
DEPARTMENT OF PUBLIC INSTRUCTION, SCHOOL
AND HIGH SCHOOL, PU COLLAGES,
WCK KOPPAL, HOSPETE ROAD,
KOPPALA-583227

8. ADDITIONAL DIRECTOR
GENERAL OF POLICE (ADGP),
CARLTON HOUSE, PALACE ROAD,
BANGALORE 560 001

9. THE CHIEF SUPERINTENDENT,
CENTRAL-PRISON, KALABURAGI- 585 102

10. THE INSPECTOR GENERAL

OF POLICE, (IG), CENTRAL RANGE,
NO.5, MILLERS ROAD, VASANTHA NAGAR,
BANGALORE-560 001

11. THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTION (DDPI),
DISTRICT ADMINISTRATIVE COMPLEX,
BELAGAVI 590 001

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO- A). ISSUED A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE IMPUGNED ENDORSEMENT DATED 02/09/2025 IN NO.EST2/CR-33/2025 ISSUED BY 1ST RESPONDENT REJECTING THE 1ST PETITIONERS CLAIMING FOR REFUND OF THE AMOUNT OF RUPEES 2,39,063.00/- DEPOSIT TOWARDS TRAINING SALARY AND ALLOWANCE AT VIDE AS ANNEXURE-CA AND ETC.

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

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

ORAL ORDER

The petitioners are stated to have been selected as Warders in the second respondent department namely Central Prisons. It is stated that the petitioners had completed their training and period of probation in the Department of Prisons and during their service, they took up examination of different Government departments and had sought permission from the Department of Prisons for relieving them to join in the newly selected posts of other Government departments.

2. The Department of Central Prisons had insisted the petitioners to deposit amount incurred by way of expenditure, the salary and allowances that they had received while working under the Department of Central Prisons. It is also made out that the petitioners paid the amounts and obtained NOC which enabled them to join the newly selected posts.

3. Subsequently, the petitioners are stated to have made a representations for refund of the amount collected which has been rejected by way of endorsements which are challenged herein. The petitioners have relied on the observations made by the Co-ordinate Bench in W.P.No.107187/2025 under identical factual circumstances.

4. The Government Advocate has adopted the statement of objections filed in W.P.No.15207/2026.

5. The Co-ordinate Bench in W.P.No.107187/2025 has made certain observations which are applicable in the present case also. The relevant observation made at paras 2 to para 4 of the said writ petition is extracted below for reference:

> 2. The learned counsel appearing for the petitioner submits that the petitioner is similarly placed to that of the respondents in Writ Petition No.3801 of 2022 disposed of on 19.09.2022. The State had preferred the said writ petition against the order of the Karnataka State Administrative Tribunal, which had allowed the case of the respondents therein. The same reads as under:

"Heard the learned High Court Government Pleader appearing on behalf of the petitioners.

2. The petitioners are the Addl. Director General and Inspector General of Prisons, Chief Superintendent, Central Prisons, Mysuru, and the Superintendent, Taluka Sub-Jail, K. R. Nagara, Mysuru District. The respondents are the applicant and the Managing Director of BMTC respectively.

3. The facts in a nutshell are that respondent No.1 was appointed as a Lady Warder by petitioner No.2 herein and was given posting. Petitioner No.2 thereafter by order dated 11.07.2012 directed the applicant to report with petitioner No.3. That thereafter 22.01.2013, the applicant was deputed for fundamental training and in accordance with Rule 76 (8) of the Karnataka Civil Services Rules (KCSRS), the period spent on training would be treated as duty. After completion of training, the applicant has reported back to petitioner No.3.

4. That thereafter there was an invitation by respondent No.2 herein inviting the applications for the post of Assistant Traffic Inspector and the applicant obtained NOC from the competent authority and applied for the said post. Thereafter, respondent No.1/applicant was successful 4 and her name came to be included in the select list. Accordingly, the applicant submitted her resignation and thereafter, is said to have proceeded to training with respondent No.2 herein. Upon receipt of the resignation,

petitioner No.2 by notice dated 03.12.2014 directed the applicant to remit a sum of Rs.1,45,778/-being the sum equivalent to the sum paid by way of salary during the period of training and that the payment was made a precondition for accepting the resignation. Aggrieved, respondent No.1/applicant approached the Tribunal.

5. The Tribunal after examining the matter concluded that the matter was squarely covered by an earlier decision rendered by it in the case of Swamy S. K. vs. The Addl. Director General & Inspector General of Prisons and Anr. (A.No.3246/2012, DD 24.06.2013), wherein the Tribunal has recorded in paragraph No.6 of the Swamy S.K. judgment as under:-

6. There is no dispute that the applicant who was working as a Warder in the Prisons department since 1.1.2008 applied for the post of Excise Guard after obtaining no objection certificate from the first respondent vide Annexure-A3 dated 18.8.2009. However, vide OM dated 17.9.2010 at Annexure-A4 the applicant was deputed for training and the applicant completed the training that was held from 1.10.2010 to 30.6.2011. We also find that satisfactory declaration of probationary period in relation to the applicant has also been made as per Annexure-A1 dated 2.11.2010. The applicant had to undergo foundation training from 1.10.2010 since he was deputed to such training by the first respondent who had earlier issued no objection certificate to the applicant to apply for the post of Excise Guard. On his selection and appointment to the post of

Excise Guard, the applicant requested his official superior to relieve him and since the first respondent refused to relieve the applicant on the ground of shortage of Warders in the Prisons department, the applicant submitted his resignation to the post of Warder. As rightly contended on behalf of the applicant as per Rule 76(8) of KCSRs., a government servant deputed to undergo a course of instructions or training authorized by or under the orders of the competent authority has to be treated as on duty. In this case, the first respondent had deputed the applicant for training and the fact that the training period is treated as duty is specifically mentioned in the OM dated 17.9.2010 (Annexure- A4) by which the applicant was deputed for training. When the applicant is on duty, there cannot be any dispute that he is entitled to pay and allowances for the said period. In the said circumstance, the action taken by the first respondent to recover the said sum when the applicant who was left with no other option but to tender resignation to the post of Warder on his selection and appointment to the post of Excise Guard is not justified. In this connection, on behalf of the respondents it is contended that as per the terms and conditions of the training approved by the Government on 19.9.2010 in the Government letter No. HD 93 PRE 96, the applicant is liable to repay the pay and allowances drawn by him during the training period along with Rs.2,000/- in the event of not completing the minimum service of five years after such training. In this regard, our attention is drawn to the manual relating to the training of Warders and Head Warders and it is contended that

as per the terms and conditions mentioned therein, the applicant is liable to repay the pay and allowances along with Rs.2,000/- to the Government. Firstly, we may note that any condition in the manual cannot go contrary to Rule 76(8) of KCSRs., as per which the period of training has to be treated as duty. Secondly, we find that there is no undertaking given by the applicant to repay the salary and allowances received by him during the training period. We find that as per the OM dated 17.9.2010 issued by the first respondent, the official superior of the applicant ought to have obtained an undertaking from the applicant to abide by the terms and conditions mentioned in the training manual as mentioned in the said OM. It is not the case of the first respondent that any such letter of undertaking was obtained from the applicant. On the other hand, from the letter dated 28.5.2013 addressed to the first respondent from the Principal of the training college and the letter dated 28.5.2013 sent by the Superintendent of Sub-Jail, K.R. Nagar to the first respondent, copies of which are produced by the learned Additional Government Advocate along with the memo dated 10.6.2013 before this Tribunal, it can be said that no such letter of undertaking was obtained from the applicant binding him to repay the salary and allowances received by him during the training period. In the absence of any undertaking obtained from the applicant, the first respondent cannot direct recovery of the pay and allowances paid to the applicant."

6. Reliance was also placed on another ruling of the Tribunal in the case of Mallikarjun N. Biradar vs. The Addl. Director General & Inspector General of Prisons & Anr. (A.No.8135/2014, DD 20.01.2016). The matter being squarely covered by the observations therein, the Tribunal deemed it fit to allow the case of the applicant also. Aggrieved, the Department is before this Court.

7. We have perused the reasoning assigned by the Tribunal while disposing of earlier applications which are extracted in paragraph No.12 of the impugned order. The Tribunal has held that official respondents/petitioners herein are bound by the rigor of Rule 76(8) of the KCSR which specifically states that the period spent during training is to be treated as period spent on duty.

8. That apart, we see that in the instant case, the petitioners have also given their NOC thereby enabling the applicant to apply to the post of Assistant Traffic Inspector. Having given their NOC and allowed the applicant to strive and work hard for success in her endeavor, the petitioners 9 could not have made a u-turn. It is not the case of the petitioners that the NOC was a is the learned High Court conditional NOC Government Pleader able to point out any provisions which enables them to impose any such condition while granting NOC. What is even more abrasive is the fact that the respondent No.2 is none other than a wing of the Government.

9. It is not the case of the petitioners that they have incurred any specific amounts for imparting training. In that view of the matter, we do not find any justification for the writ petition.

10. in similar It is also pertinent to note that two applications allowed by the Tribunal circumstances

referred to in the impugned order have apparently become final and petitioners are the very same parties in the said applications also. Despite being aware of the settled position, the instant writ petition is preferred. Hence, the writ petition is dismissed with cost of Rs. 10,000/- to be deposited into the Chief Minister's Relief Fund within a period of eight weeks.

The writ petition is ordered accordingly."

3. The learned counsel for the petitioner submits that the petitioner is similarly placed, which is not disputed by the learned HCGP.

4. In the light of the issue standing answered by the Division Bench, as quoted supra, the petition deserves to succeed. Accordingly, the following:

ORDER

(i) The writ petition is allowed.

(ii) The impugned endorsement dated 09.05.2025 2018 / 2020 issued by bearing No.EST2 / CR respondent No.1 is hereby set aside.

(iii) Mandamus issues to the respondent Nos. 1 and 2 to consider representations the dated 30.06.2025 and 21.03.2025 and to refund the sum deposited by the petitioner towards training salary and allowances in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

6. In the present case, the learned Government Advocate would only contend that the expenditure

incurred on the petitioners who were trained and the salary and allowances paid to them requires to be made good to the Government as they did not continue in the Department of Prisons despite being trained.

7. It is also not in dispute that the petitioners had sought to join the services of other Government department and had sought for NOC claiming benefit of continuity of service in terms of Section 252(b) of the KCSR, which assertion of fact is also not controverted by the State.

8. It is not in dispute that the petitioners had not given any undertaking to make good expenditure as well as salary and allowances in the event they leave the services of Department of Prisons.

9. Taking note of the observations made in W.P.No.107187/2025 as well as noticing that order of the Administrative Tribunal has been affirmed by the Division Bench in W.P.No.3801/2022 and in light of the

observations made in W.P.No.107187/2025 extracted above, the present writ petition also deserves to be allowed on the same grounds on the principle of parity.

10. Though learned Government Advocate has relied on the statement of objections filed in W.P.No.15207/2026, however, the Government Advocate is unable to controvert the contention of the petitioner regarding applicability of the order passed in W.P.No.107187/2025 on the principle of parity.

11. Taking note of the observations extracted above, the present petition deserves to be allowed. Accordingly, the following:

ORDER

i. The writ petition is allowed.

ii. The endorsements at Annexures –'CA' to 'CM' are set aside.

iii. Respondent No.1 is directed to refund amount collected from the petitioners at the time of issuance of NOC.

iv. Such refund to be made within a period of 12 weeks from the date of receipt of certified copy of the order.

v. Pending IA, if any, stand disposed of accordingly.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

SKS