HC-KAR
NC: 2026:KHC:54653
WP No. 16195 of 2024
CNR: KAHC010314642024

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. 16195 OF 2024 (S-RES)

BETWEEN:

1. SRI. M. BASAVANNA
S/O LATE. AMASEMADAIAH,
AGED ABOUT 54 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTUASHRAMA SCHOOL,
PUNAJANURU, CHAMRAJNAGAR TALUK,
CHAMRAJNAGAR-571127,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A 767, UMMATHUR VILLAGE AND POST,
AMBEDKAR COLONY, CHAMRAJNAGAR TALUK,
CHAMRAJNAGAR-571316.

2. SMT. R SHIVAMMA,
W/O SHANKARGURU C. B.,
AGED ABOUT 54 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
PUNAJANURU, CHAMRAJNAGAR TALUK,
CHAMRAJNAGAR-571127,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A MUKANAPALYA VILLAGE AND POST,
CHAMARAJANAGAR TALUK,
CHAMARAJANAGARA-571127.

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3. SRI. ANANDA RAJU
S/O LATE. MUDDAIAH,
AGED ABOUT 62 YEARS,
RETIRED AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
PUNAJANURU, CHAMRAJNAGAR TALUK,
CHAMRAJNAGAR-571127,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A GANIGANURU VILLAGE AND POST,
YELANDURU TALUK,
CHAMARAJNAGARA-571441.

4. SRI. M. SOMANNA
S/O MADAIAH,
AGED ABOUT 56 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
BEDAGULI VILLAGE AND POST,
CHAMARAJNAGARA-571313,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A YEDAPURA VILLAGE, SHIVAPURA POST,
CHAMARAJNAGARA TALUK,
CHAMRAJNAGARA-571313.

5. SRI. SIDDARAJU
S/O LATE. KALAIAH,
AGED ABOUT 58 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
BEDAGULI VILLAGE AND POST,
CHAMARAJNAGARA-571313,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A NAGAVALLI POST AND VILLAGE,
CHAMARAJNAGARA TALUK,
CHAMARAJNAGARA-571342.

6. SRI. C. KUMARASWAMY,
S/O LATE. CHANNANJAPPA
AGED ABOUT 53 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
RANGASANDRA VILLAGE,
MUKANAPALYA POST, CHAMARAJNAGARA,
CHAMARAJANAGARA-571127.
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A ATTUGULIPURA VILLAGE AND POST,
CHAMARAJNAGARA TALUK,
CHAMARAJNAGARA-571127.

7. SRI. GOPALASWAMY,
S/O. LATE. CHIKKAMALLAIAH,
AGED ABOUT 55 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
RANGASANDRA VILLAGE,
MUKANAPALYA POST, CHAMARAJNAGARA,
CHAMARAJANAGARA-571127.
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A DADADAHALLI, CHANDAKAVADI POST,
CHAMARAJNAGAR-571342.

8. SRI. M SHIVANNA
S/O LATE. MADAIAH,
AGED ABOUT 52 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
K. GUDI VILLAGE AND POST,
CHAMARAJNAGARA-571127,
UNDER THE TRIBAL WELFARE DEPARTMENT.
R/A YEDAPURA VILLAGE, SHIVAPURA POST,
CHAMARAJNAGAR- 571313.

9. SRI. K DODDALINGAIAH,
S/O LATE. KEMPAIAH,
AGED ABOUT 59 YEARS,
WORKING AS TEACHER,
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
KONANAKERE VILLAGE AND POST,
KOLLEGALA TALUK,
CHAMARAJNAGAR-571443.
R/A KAMAGERE VILLAGE AND POST,
HUNASEMARADHABEEDHI,
KOLLEGAL TALUK,
CHAMRAJNAGARA-571443.

10. SRI. KONURA. M
S/O MADA
AGED ABOUT 49 YEARS,
WORKING AS KITCHEN SERVANT (D-GROUP)
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
BEDAGULI VILLAGE AND POST,
CHAMARAJNAGARA-571313,
UNDER THE TRIBAL WELFARE DEPARTMENT.

11. SRI. MAHADEVA
S/O MAREGOWDA,
AGED ABOUT 52 YEARS,
WORKING AS COOK, (D-GROUP)
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
KOLIPALYA, MUKANAPALYA POST,
CHAMARAJNAGARA-571313,
UNDER THE TRIBAL WELFARE DEPARTMENT.

12. SMT. SANNAMMA,
W/O SIDDANAIKA,
AGED ABOUT 51 YEARS,W
ORKING AS COOK, (D-GROUP)

O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
BEDAGULI VILLAGE AND POST,
CHAMARAJNAGARA-571313,
UNDER THE TRIBAL WELFARE DEPARTMENT.

13. SRI. MAHADEVAIAH
S/O LATE. SANNAIAH,
AGED ABOUT 51 YEARS,
WORKING AS KITCHEN SERVANT (D-GROUP)
O/O VALMIKI BUDAKATTU ASHRAMA SCHOOL,
PUNAJANURU, CHAMRAJNAGAR TALUK,
CHAMRAJNAGAR-571127,
UNDER THE TRIBAL WELFARE DEPARTMENT.

14. SMT. RATHNABAYI,
W/O LATE. RUDRASWAMY,
AGED ABOUT 56 YEARS,
WORKING AS COOK, (D-GROUP)
O/O GOVERNMENT PRE-METRIC GIRLS HOSTEL,
CHAMARAJNAGAR TOWN-571313
UNDER THE TRIBAL WELFARE DEPARTMENT.

15. SRI. M BASAVARAJU
S/O LATE. MADAIAH
(SINCE DEAD ON 27.05.2025
NOW REPRESENTED BY LRS)

15A SMT. G. INDRAMMA (WIFE),
AGED ABOUT 58 YEARS,
W/O LATE BASAVARAJU,
R/A 21ST WARD, 5TH DIVISION,
HUNASETHOPU, GUNDLUPET TOWN,
GUNDLUPETE - 571111.

15B SRI. MADHUSUDHAN B. (SON),
AGED ABOUT 31 YEARS,
S/O LATE BASAVARAJU,
R/A 21ST WARD, 5TH DIVISION,
HUNASETHOPU, GUNDLUPET TOWN,
GUNDLUPETE - 571111.

15C SMT. MADHURI MANIGERAPPA DODAMANI
(DAUGHTER)
AGED ABOUT 29 YEARS,
D/O LATE BASAVARAJU,
R/A HOUSE NO.45, 1ST CROSS,
AZAD NAGAR, SHIVAJI NAGAR POST,
BELAGAVI - 590016.

…PETITIONERS

(BY SRI. SPARSH SHETTY, ADVOCATE FOR
SRI. VIKRAM BALAJI, ADVOCATE)

AND:

1. CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA, DR AMBEDKAR VEEDHI,
BENGALURU 560001.

2. THE PRINCIPAL SECRETARY,
TRIBAL WELFARE DEPARTMENT,
VIKASA SOUDHA, AMBEDKAR VEEDHI,
BENGALURU - 560001.

3. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT, CHAMARAJANAGAR,
D C OFFICE BUILDING,
CHAMARAJANAGAR 571313.

4. THE DIRECTOR,
TRIBAL WELFARE DEPARTMENT,
NO. 34, 1ST FLOOR, LOTUS TOWERS,
RACE COURSE ROAD,
BENGALURU - 560001.

5. DISTRICT TRIBAL WELFARE OFFICER,
DC OFFICE BUILDING,
CHAMARAJANAGAR,
CHAMARAJANAGAR DISTRICT - 571313.

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1, R2, R4 AND R5;
SRI. CHANDRAKANTH R. GOULAY, ADV. FOR R3 AND R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO REGULARIZE THE SERVICE OF THE PETITIONERS ON COMPLETION OF 10 YEARS OF SERVICE ON THE PRINCIPLE OF PARITY AND TO EXTEND ALL CONSEQUENTIAL BENEFITS ARISING THEREFROM, INCLUDING PENSIONARY AND MONETARY BENEFITS 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

ORAL ORDER

The petitioners have sought for issuance of writ of mandamus directing the respondents to regularize the services of the petitioners on completion of 10 years of service on the principle of parity and to extend all consequential pensionary and monetary benefits.

2. The petitioners are stated to have been appointed on various dates subsequent to 01.07.1984 and presently, working in the office of the respondent offices in the District of Chamarajanagar. It is further submitted that the petitioners having worked as teaching and non-teaching staff have put in more than 30 to 40 years of service, while some of them have attained the age of superannuation.

3. It is the specific case of the petitioners that they were extended benefits under the Karnataka State Daily Wage Employees Welfare Act, 2012 (for short, 'Welfare Act, 2012') and rely on the orders at Annexures-

B, C and D. The petitioners further submit that similarly situated employees have already been regularized and on the ground of parity, they are also entitled to be regularized.

4. It is submitted that petitioners have made numerous representations including representation dated 14.05.2026. It is submitted that despite such representation, no action has been taken.

5. Learned Additional Government Advocate submits that the representation will be taken note of and orders would be passed. Further, submitted that to enable the Government to take an appropriate decision, necessary report will have to be sent by respondents No.3 and 5.

6. Learned counsel, Sri. Chandrakanth R. Goulay appearing for respondents No.3 and 5 submits that the State is already appraised of these facts.

7. Taking note of the representations made, it would be appropriate to dispose of the writ petition, directing the 2nd respondent to consider and pass appropriate orders. It is noticed that in many matters of regularization which have been repeatedly coming before the Court, the authorities concerned pass cryptic and mechanical orders. Needless to state, while considering, it is necessary to take note of the law laid down by the Apex Court as made out in various judgments.

8. In the facts of the present case, learned counsel for the petitioners submits that the authorities while applying the test referred to in the case of ***Secretary, State of Karnataka and others vs. Umadevi and others*** reported in ***(2006) 4 SCC 1***, as regards the specific criteria of employees having worked under the protection of the orders of the Court, refer to the interim order and protection granted in W.P.No.8192/1990, so also the interim order passed in W.P.No.12610/1993. Insofar as such aspects are concerned, attention is drawn

to the observations made by the Division Bench in W.P.No.15716/2013 at para-4 as well as the observations made by the Division Bench in W.P.No.3805/2023 at para-20 and 21.

9. It is further submitted that the authorities may take note of the law laid down by the Apex Court in a proper perspective and that, if granted an opportunity of hearing, they would place the legal position as well before the authority, to enable the authority to take a proper decision.

10. Learned counsel for the petitioners has also specifically asserted that similarly placed employees have been regularized and if that were to be so, on the principle of parity, the case of the petitioners is to be considered. Reliance is placed on the judgment in the case of ***Malthi Das vs. Suresh and others*** reported in ***2014 (13) SCC 249*** and in the case of ***Sukhendu Bhattacharjee and***

Others v. State of Assam and Others reported in ***2026 SCC OnLine SC 909***.

11. Learned counsel for the petitioners would further contend that mere notification of the petitioners' names under the provisions of the Welfare Act, 2012, ought not to come in the way of the authorities considering the case for regularization. Reliance is placed on the order passed by the Apex Court in the case of ***Rupesh R. Gaonkar and others vs. State of Goa and others*** in Civil Appeal No.13055/2025 and specific reference is made to para-22, 27, 30 and 31 of the aforesaid order. It is further contended that mere grant of relief under provisions of the Welfare Act, 2012 ought not to come in the way of the State considering granting of higher relief of regularization.

12. After hearing both sides, this Court pass the following:

ORDER

i) Respondents No.3 and 5 to send appropriate report taking note of the representations of the petitioners to respondent No.2. Such report to be sent after taking note of the facts pleaded and material available before respondents No.3 and 5.

ii) The report to be sent to respondent No.2 within a period of two (2) months from the date of receipt of certified copy of the order.

iii) Upon such report being sent, the respondent No.2 within a further period of two (2) months thereafter, is to pass appropriate orders regarding the case made out for regularization.

iv) Before report is sent by respondents No.3 and 5 and orders are passed by respondent No.2, the petitioners may be given an opportunity of hearing to place facts, documents and legal position to enable the authorities to send appropriate report and pass appropriate orders.

Accordingly, the petition is ***disposed of***. All contentions on merits are kept open.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 2 Sl No.: 16