HC-KAR
NC: 2026:KHC:59355-DB
WP No. 22866 of 2021
C/W WP No. 22982 of 2021
CNR: KAHC010470572021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 22866 OF 2021 (S-KSAT)
C/W
WRIT PETITION NO. 22982 OF 2021 (S-KSAT)

IN WP No. 22866/2021:

BETWEEN:

SRI. T. LAKSHMANA
S/O LATE DEVARAHALLI THIMMAIAH
AGED ABOUT 72 YEARS,
OCC: RTD ASSISTANT PROFESSOR
O/O VANI SAKKARE GOVERNMENT
FIRST GRADE COLLEGE
HIRIYUR,
CHITRADURGA DISTRICT.

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

R/AT NO. T-2, PSR ARCADE
GUDDAHALLI MAIN ROAD,
HEBBAL,
BANGALORE - 560 032.

...PETITIONER

(BY SRI. S.R. RAVI PRAKASH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   HIGHER EDUCATION
   DEPARTMENT OF EDUCATION
   (COLLEGIATE EDUCATION)

M S BUILDING
BENGALURU - 560 001.

2. THE COMMISSIONER OF
COLLEGIATE EDUCATION
PALACE ROAD,
BANGALORE - 01.

3. THE DIRECTOR OF COLLEGIATE
OF EDUCATION
PALACE ROAD
BANGALORE - 01.

4. THE JOINT DIRECTOR OF
COLLEGIATE OF EDUCATION
PALACE ROAD
BANGALORE - 01

5. THE PRINCIPAL
VANI SAKKARE GOVT FIRST
GRADE COLLEGE,
HIRIYUR CHITRADURGA
DISTRICT.

6. THE ACCOUNTANT GENERAL (A AND E)
KARNATAKA,
NO.5329/2369, ANNEXE BUILDINGS,
PARK HOUSE ROAD,
BANGALORE-560001.

(R6 ADDED AS PER ORDER
DATED 02.08.2024)

…RESPONDENTS

(BY SRI. S.C. DESHMUKH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT ORDER OR DIRECTION QUASHING THE ORDER DATED 15.09.2021 IN THE

O.A. NO. 6909/2019 ON THE FILE OF KSAT PASSED BY THE KSAT AS PER ANNEXURE - A AND ETC.

IN WP NO. 22982/2021:

BETWEEN:

SRI. T. LAKSHMANA
S/O LATE DEVARAHALLI THIMMAIAH
AGED ABOUT 71 YEARS
OCC RETIRED ASSISTANT PROFESSOR
O /O VANI SAKKARE GOVT
FIRST GRADE COLLEGE HIRIYUR
CHITRADURGA DISTRICT
R/AT NO T -2 PSR ARCADE
GUDDAHALLI MAIN ROAD
HEBBAL, BANGALORE - 560032.

...PETITIONER

(BY SRI. S.R. RAVI PRAKASH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED
   BY ITS PRINCIPAL SECRETARY
   HIGHER EDUCATION
   DEPARTMENT OF EDUCATION
   COLLEGIATE EDUCATION,
   M S BUILDING
   BENGALURU - 560001.

2. THE COMMISSIONER OF
   COLLEGIATE EDUCATION
   UNNATHA SHIKSHANA SOUDHA,
   SESHADRI ROAD,
   BANGALORE - 01.

3. THE DIRECTOR OF
   COLLEGIATE OF EDUCATION
   UNNATHA SHIKSHANA SOUDHA,
   SESHADRI ROAD,

BANGALORE - 01.

4. THE JOINT DIRECTOR
OF COLLEGIATE OF EDUCATION
UNNATHA SHIKSHANA SOUDHA,
SESHADRI ROAD,
BANGALORE- 01

5. THE PRINCIPAL
VANI SAKKARE GOVT FIRST GRADE
COLLEGE HIRIYUR
CHITRADURGA DISTRICT- 577599.

6. THE ACCOUNTANT GENERAL (A AND E)
KARNATAKA,
NO.5329/2369, ANNEXE BUILDINGS,
PARK HOUSE ROAD,
BANGALORE-560001.

(R6 ADDED AS PER ORDER
DATED 02.08.2024)

...RESPONDENTS

(BY SRI. S.C. DESHMUKH, AGA FOR R1 TO R4;

R5 SERVED, UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT ORDER OR DIRECTION QUASHING THE ORDER DATED 15.09.2021 IN THE A.NO 5983/2020 C/W A.NO 6909/2019 ON THE FILE OF KSAT PASSED BY THE KSAT AS PER ANNEXURE - A AND ETC.

THESE PETITIONS ARE COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010470572021

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Heard learned counsel Sri.S.R.Raviprakash for petitioner in both the writ petitions as well as learned AGA Sri.S.C.Deshmukh for respondents in both the writ petitions. Perused the entire writ papers.

2. The petitioner is before this Court aggrieved by order dated 15.09.2021 in Application No.5983/2020 and in Application No.6909/2019 passed by the Karnataka State Administrative Tribunal, Bengaluru (for short the 'Tribunal'), whereunder the petitioner's prayer for counting his past service for the purpose of pension and pensionary benefits and also seeking benefit of Rule 247A of KCSRs is rejected.

3. Learned counsel Sri.S.R.Raviprakash for the petitioner would submit that the petitioner was initially

appointed as Lecturer in Kannada in Vani Vilas Sakkare Government Arts and Commerce First Grade College, Hiriyur, which was run by Vani Vilas Co-operative Sugar Factory Education Society (R) Hiriyur. According to the petitioner, he was initially appointed on 16.10.1982 and he joined on 18.10.1982. However, he submits that Service Register showed his appointment as 01.02.1983. Further, learned counsel would submit that the institution in which the petitioner was working was admitted to Grant-in-Aid by Government order dated 01.07.1986 and in the said proposal the date of appointment of petitioner was shown as 01.07.1984. However, for the purpose of grant of pension and pensionary benefits, the service of the petitioner was taken into consideration only from 01.07.1986, the date on which the institution was admitted to grant.

4. Learned counsel Sri.Raviprakash would submit that since in terms of Annexure-A3, the date of appointment of the petitioner is shown as 01.07.1984. The

authorities ought to have taken the said date as date of appointment of petitioner and ought to have counted service from 01.07.1984 for pension and pensionary benefits. Further learned counsel would submit that the petitioner was entitled for benefit of Rule 247A of KCSRs, since he had joined service after 30 years of age. Learned counsel further submits that the petitioner would be entitled for counting minimum of 2 years under Rule 247A of KCSRs for determining the pension and pensionary benefits and the said 2 years shall be added to qualifying service for grant of pension and pensionary benefits. Thus learned counsel would submit that the Tribunal without appreciating the material on record rejected the prayer of the petitioner.

5. Per contra, learned AGA would support the order passed by the Tribunal and moreover, he submits that the petitioner was before the Tribunal seeking the same prayer and the Tribunal rejected his prayer, against which the petitioner had filed Writ Petition No.56436/2014

before this Court and this Court also dismissed the Writ Petition confirming the order passed by the Tribunal, against which the petitioner had approached the Hon'ble Apex Court in SLP (C) Nos.9735-9736/2016 and the Hon'ble Apex Court also dismissed the SLP. In that regard learned AGA invites for attention of this Court to paragraph 7 of the Tribunal's order. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and on careful perusal of the material on record, we are of the considered opinion that the writ petition is liable to be rejected with costs.

7. There is no dispute with regard to petitioner working in Vani Vilas Sakkare Government Arts and Commerce First Grade College, Hiriyur as Lecturer in Kannada. The undisputed document i.e. Annexure-A3, whereunder the institution in which the petitioner was working was admitted to grant, shows the date of

appointment of the petitioner as 01.07.1984. However, subsequent orders of the Director of Collegiate Education would indicate different date of appointment of the petitioner. The service of the petitioner is counted for pension and pensionary benefits from the date of admitting the institution where the petitioner was working for grant i.e. from 01.07.1986. It is very relevant to note here that with the same prayer to count the previous service prior to admitting to grant and seeking benefit of Rule 247A of KCSRs the petitioner was before the Tribunal and when the Tribunal rejected the application, he was before this Court in Writ Petition No.56436/2014. The said writ petition came to be dismissed and against which the petitioner had approached the Hon'ble Apex Court in SLP (C) Nos.9735-9736/2016 which also came to be dismissed. When the petitioner's prayer is already rejected which is affirmed by Hon'ble Apex Court, the petitioner could not have approached urging the same ground and making the same prayer once over again. The petitioner

cannot urge the same ground and same prayer when the rejection has attained finality already. Thus, we find no merit in the writ petitions and accordingly, both the writ petitions stand ***rejected***.

8. However, it is a fit case to impose costs since the petitioner is before this Court after dismissal of SLP wherein the petitioner had made the same prayer. However, we refrain from imposing costs, since the petitioner is retired and is aged more than 70 years.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 7