IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 25795 OF 2023 (S-KSAT)
C/W
WRIT PETITION NO. 20703 OF 2024 (S-KSAT)

IN WP NO. 25795/2023

BETWEEN:

K. A. SWAMY S/O ARASAIAH
AGED ABOUT 47 YEARS
R/O NEAR PUPSHPA CONVENT
GONIKOPPA ROAD
PIRIYAPATTANA
MYSURU DISTRICT-571107

...PETITIONER

(BY SRI. NARAYANA BHAT M., ADV.)

AND:

Digitally signed by NANJUNDACHARI
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   REP. BY ITS SECRETARY
   DEPT. OF PRIMARY AND
   SECONDARY EDUCATION
   M S BUILDING
   BANGALORE-560001.

2. THE COMMISSIONER
   DEPT. OF PUBIC INSTRUCTION
   NRUPATHUNGA ROAD
   BAGNALORE -560001.

3. THE CENTRALISED ADMISSION CELL
   REP. BY ITS SPECIAL OFFICER
   O/O COMMISSIONER FOR
   PUBLIC INSTRUCTIONS

PRIMARY SCHOOL TEACHERS
RECRUITMENT IN PRIMARY AND
HIGHER PRIMARY SCHOOLS-2015
K G ROAD, BANGALORE- 560002.

4. THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTIONS
AND SELECTION AUTHORITY
(ADMINISTRATION)
DAKSHINA KANNADA DISTRICT-562101.

5. SRI RAJU S T S/O THIPPESWAMY
AGED ABOUT 28 YEARS
(NOW SELECTED AS ASST. TEACHER)
R/O HALEKUNDUWADA
DAVANGAERE TALUK
AND DISTRICT-577566.

…RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R4
SMT. CHITRALEKHA H.R., ADV. FOR R5)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 25.02.2021 IN A. NO. 1914/2016 PASSED BY THE HONBLE KSAT PRODUCED AS ANNEXURE-D AS THE SAME IS ERRONEOUS; B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, HOLDING THAT PETITIONER IS ELIGIBLE FOR APPOINTMENT TO THE POST OF ASST. TEACHER-PRIMARY SCHOOL 6^{TH} STD TO 8^{TH} STD/GRADUATE ASST. TEACHER- ENGLISH LANGUAGE, TO MEET THE ENDS OF JUSTICE AND ETC.

IN WP NO. 20703/2024

BETWEEN:

SRI BASAVARAJA K
S/O KENGAPPA
AGED ABOUT 48 YEARS
R/O PAGADALABANDE VILLAGE AND POST
CHALLAKERE TALUK
CHTRADURGA DISTRICT-577522.

...PETITIONER

(BY SRI. VIJAYA SIMHA REDDY D. V., ADV.)

AND:

1. STATE OF KARNATAKA
   REP. BY ITS SECRETARY
   DEPARTMENT OF PRIMARY AND
   SECONDARY EDUCATION
   M S BUILDING
   BANGALORE – 560001.

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

3. THE CENTRALISED ADMISSION CELL
   REP. BY ITS SPECIAL OFFICER,
   O/O COMMISSIONER FOR PUBLIC INSTRUCTIONS
   PRIMARY SCHOOL TEACHERS RECRUITMENT
   IN PRIMARY AND HIGHER
   PRIMARY SCHOOL-2015
   K G ROAD, BANGALORE-560002.

4. THE DEPUTY DIRECTOR
   OF PUBLIC INSTRUCTIONS
   AND SELECTION AUTHORITY (ADMINISTRATION)
   VIJAYAPURA DISTRICT-586101.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R4)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 07.01.2021 IN A.NO-7260/2017 PASSED BY THE KSAT PRODUCED AS ANNEXURE-D AS THE SAME IS ERRONEOUS; B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION HOLDING THAT PETITIONER IS ELIGIBLE FOR APPOINTMENT TO THE POST OF ASST. TEACHER PRIMARY SCHOOL 6^{TH} STD TO 8^{TH} STD / GRADUATE ASST. TEACHER ENGLISH LANGUAGE TO MEET THE ENDS OF JUSTICE AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER ON **23.02.2026** COMING ON THIS DAY, ***S.G.PANDIT J.,*** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

CAV ORDER

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

The above two writ petitions are taken up together, heard and disposed of by this common order since they involve common facts and since the question raised is also common.

2. Petitioner in W.P.No.25795/2023 is before this Court under Article 226 of the Constitution of India questioning order dated 25.02.2021 in Application No.1914/2016 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') rejecting his prayer to quash final select list of candidates selected for the post of Primary School Assistant Masters/Mistress for the year 2014-15 (Annexure-A18) dated 20.01.2016 and also Annexure-A19, selection of respondent No.5. The petitioner herein had claimed reservation under Category-I/Rural/Kannada Medium.

3. In W.P.No.20703/2024, the petitioner is before this Court under Article 226 of the Constitution of India

questioning order dated 07.01.2021 in Application No.7260/2017 (Annexure-D) rejecting his prayer to quash Annexure-A18, final select list of candidates selected for the post of Primary School Assistant Masters/Mistress for the year 2014-15 (Annexure-A18) dated 20.01.2016. The petitioner herein had claimed reservation under Category-I/Rural/Kannada Medium

4. The third respondent issued recruitment notification dated 23.03.2015 inviting online applications to fill up the post of Primary School Assistant Teacher through competitive examination. The last date for submitting application was 27.04.2015. The petitioner in W.P.No.25795/2023 with qualification of M.A. Degree in English and B.Ed., with having passed Karnataka Teachers Eligibility Test (for short, 'TET'), applied for the post of Graduate Assistant Teachers of VI to VIII Standard. Whereas, the petitioner in W.P.No.20703/2024 with qualification of M.A. Degree in English and B.Ed., with TET, applied for the post of Graduate Assistant Teacher in English.

5. The candidature of both the petitioners came to be rejected on the ground that they were not eligible in terms of Annexure-A19. Questioning the respective endorsements, the petitioners were before the Tribunal in the above stated applications respectively. The Tribunal under impugned orders, rejected their applications holding that the petitioners would not possess the requisite qualification i.e., B.Ed., Degree with English as a method of teaching. Questioning their non-selection as Graduate Assistant Teacher in English as well as questioning the order of the Tribunal, the petitioners are before this Court.

6. Heard learned counsel Sri.Narayana Bhat.M., for petitioner in W.P.No.27975/2023, learned counsel Sri.Vijaya Simha Reddy.D.V., for petitioner in W.P.No.20703/2024, learned counsel Smt.Chitralekha.H.R., for respondent No.5 in W.P.No.25795/2023 and learned Additional Government Advocate Sri.Vikas Rojipura for respondent Nos.1 to 4 in both the writ petitions. Perused the entire writ petition papers.

7. Learned counsel for the petitioners in both the writ petitions would submit that both the petitioners possess the qualification of M.A., in English; Post Graduate Diploma in English from the regional institute of English; studied English as language in SSLC and PUC, as such, the petitioners possessed the requisite qualification for the post of Graduate Assistant Teacher in English and rejection of their case for the post of Graduate Assistant Teacher in English is wholly arbitrary and unreasonable. Learned counsels would also submit that persons with identical qualification have been selected and appointed in previous recruitments and the petitioners are similarly situated candidates. Further, learned counsels would submit that the PG Diploma from Regional Institute of English is considered and selections are made. Thus, they submit that the petitioners possess requisite qualification and the finding of the Tribunal that the petitioners would not possess the requisite qualification is opposed to the material on record. Therefore, they would pray for allowing the writ petitions.

8. Per contra, learned Additional Government Advocate Sri.Vikas Rojipura for respondents would vehemently contend that the petitioners would not possess the requisite qualification, particularly, the petitioners have not studied English as a method of teaching in their B.Ed., which is a mandatory requirement as prescribed under the relevant Cadre and Recruitment Rules. Further, learned Additional Government Advocate would submit that 2003 Cadre and Recruitment Rules came to be quashed and subsequently under Government order dated 31.01.2015, method of recruitment was prescribed which required a candidate to possess degree in education with English as method of teaching. Thus, he would support the order passed by the Tribunal and pray for rejecting the writ petitions.

9. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are of the considered view that the petitioners have not made out any ground to interfere with the

impugned orders passed by the Tribunal, for the following reasons:

Under notification dated 23.03.2015, the third respondent invited applications to fill up the post of Graduate Assistant Teachers for I to V and VI to VIII Classes in Government Primary Schools. The petitioners with qualification of B.A., M.A., in English, Post Graduate Diploma in English from Regional Institute of English with English as a language in SSLC and PUC and having passed TET, applied for the post of Graduate Assistant Teacher in English language. The qualification prescribed for the post of Graduate Assistant Teacher (English language) for VI to VIII standards reads as follows:

> ***"ಕನ್ನಡ ಮಾಧ್ಯಮದ ಶಾಲೆಗಳ ಹುದ್ದೆಗಳಿಗೆ :*** *ಕನ್ನಡ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತು ನಡೆಸುವ ಕಾವ / ಜಾಣ / ರತ್ನ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತೀರ್ಣರಾಗಿದ್ದರೆ ಅರ್ಹರಾಗುತ್ತಾರೆ.*
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> ***111 ಪ್ರಾಥಮಿಕ ಶಾಲಾ 6-8ನೇ ತರಗತಿ ಪದವೀಧರ ಸಹಶಿಕ್ಷಕ/ಶಿಕ್ಷಕಿ [ಆಂಗ್ಲ ಭಾಷೆ) ಹುದ್ದೆಗಳಿಗೆ:***
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> *01. 03 ವರ್ಷದ ಕಲಾ/ವಿಜ್ಞಾನ ಪದವಿಯಲ್ಲಿ* ***ಶೇಕಡಾ*** *50% ಅಂಕಗಳನ್ನು ಮತ್ತು ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಒಂದು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ ಮೂರು ವರ್ಷದ ಅಭ್ಯಾಸ ಮಾಡಿರಬೇಕು.*
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> *ಅಥವಾ*

ಬಿಎ.ಇಡಿ/ ಬಿಎಸ್ಸಿ ಇಡಿ ಪದವಿಯಲ್ಲಿ ಕನಿಷ್ಠ ಶೇಕಡಾ 50% ಅಂಕಗಳನ್ನು ಮತ್ತು ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಒಂದು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು

ಅಥವಾ

ಪಿಯುಸಿ. ವಿಜ್ಞಾನ (ಪಿ.ಸಿ.ಎಂಬಿ)ಯಲ್ಲಿ ಶೇಕಡಾ 50% ಅಂಕಗಳನ್ನು ಮತ್ತು 04 ವರ್ಷದ ಬ್ಯಾಚುಲರ್ ಇನ್ ಎಲಿಮೆಂಟರಿ ಎಜುಕೇಷನ್ (ಬಿ.ಎಲ್.ಇಡಿ) ನಲ್ಲಿ ಉತ್ತೀರ್ಣರಾಗಿರಬೇಕು ಹಾಗೂ ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ 03 ವರ್ಷದ ಪದವಿಯಲ್ಲಿ ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು.

ಮತ್ತು

ಅ) ಬಿಇಡಿ/ ಡಿಇಡಿ ಯಲ್ಲಿ ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಬೋಧನಾ ವಿಷಯವಾಗಿ ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು (Method of teaching)

ಅಥವಾ

ಒಂದು ವರ್ಷದ ಬ್ಯಾಚುಲರ್ ಆಫ್ ಎಜುಕೇಷನ್ ಬಿಇಡಿ ಪದವಿ (ಸ್ಪೆಷಲ್ ಎಜುಕೇಷನ್) ನಲ್ಲಿ ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಬೋಧನಾ ವಿಷಯವಾಗಿ ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು (Method of teaching)

ಅಥವಾ

ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ ಬಿಎ(ಕಲಾ) ಮತ್ತು ಬಿ.ಎಸ್ಸಿ (ವಿಜ್ಞಾನ) ಪದವಿಯಲ್ಲಿ ಮತ್ತು ಬಿಇಡಿ ಪದವಿಯಲ್ಲಿ / ಎರಡು ವರ್ಷದ ಡಿ ಇಡಿಯಲ್ಲಿ ಪ.ಜಾತಿ/ಪ.ಪಂಗಡ, ಪ್ರವರ್ಗ1 ಹಾಗೂ ಅಂಗವಿಕಲ ಅಭ್ಯರ್ಥಿಯು ಕನಿಷ್ಠ ಶೇಕಡ 45% ನ್ನು ಮತ್ತು ಇತರೆ ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಯು ಶೇಕಡ 50% ಅಂಕಗಳೊಂದಿಗೆ ಅಂಗ್ಲಭಾಷೆಯನ್ನು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು

ಮತ್ತು

ಅ) ಸರ್ಕಾರ ಗೊತ್ತುಪಡಿಸಿದ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ನಡೆಸಿರುವ ಶಿಕ್ಷಕರ ಅರ್ಹತಾ ಪರೀಕ್ಷೆ (ಪೇಪರ್-2) ನ್ನು ತೇರ್ಗಡೆಹೊಂದಿರತಕ್ಕದ್ದು

ಅ) ಕಲಾ/ ವಿಜ್ಞಾನ ವಿಷಯದ ಪದವಿಯಲ್ಲಿ ಆಂಗ್ಲಭಾಷೆಯನ್ನು ಐಚ್ಛಿಕ ವಿಷಯವಾಗಿ ಅಭ್ಯಾಸಮಾಡದಿದ್ದಲ್ಲಿ

ಅ) ಯು.ಜಿಸಿ ಯಿಂದ ಮಾನ್ಯತೆ ಪಡೆದ ಅಂಗೀಕೃತ ವಿಶ್ವವಿದ್ಯಾಲಯದಿಂದ ಸ್ನಾತಕೋತ್ತರ ಪದವಿಯಲ್ಲಿ ಅಂಗ್ಲ ಭಾಷೆಯನ್ನು ಅಭ್ಯಾಸಮಾಡಿರಬೇಕು

ಅಥವಾ

ಅಂಗ್ಲ ಭಾಷಾ ಹುದ್ದೆಗೆ ಅಭ್ಯರ್ಥಿಗಳು ರೀಜನಲ್ ಇನ್ಸ್ಟಿಟ್ಯೂಟ್ ಆಫ್ ಇಂಗ್ಲೀಷ್ ಸೌತ್ ಇಂಡಿಯಾ ಇವರು ನಡೆಸುವ ಪೋಸ್ಟ್ ಗ್ರಾಜುಯೇಟ್ ಡಿಪ್ಲೋಮೋ ಇನ್ ಇಂಗ್ಲಿಷ್ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹೊಂದಿದ್ದಲ್ಲಿ ಪರಿಗಣಿಸಲಾಗುವುದು

ಮತ್ತು

ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯಲ್ಲಿ 6-8ನೇ ತರಗತಿ ಬೋಧಿಸಲು ಅರ್ಜಿಸಲ್ಲಿಸುವ ಅಭ್ಯರ್ಥಿಯು ಯಾವ ಬೋಧನಾ ಮಾಧ್ಯಮದ ಹುದ್ದೆಗೆ ಆಯ್ಕೆ ಬಯಸುತ್ತಾರೋ ಆ ಭಾಷಾ ಮಾಧ್ಯಮದಲ್ಲಿ ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ/ಪಿ.ಯು.ಸಿ/ಪದವಿ/ಡಿಇಡಿ/ಬಿಇಡಿ ತತ್ಸಮಾನ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಅಭ್ಯಾಸ ಮಾಡಿರಬೇಕು. ಅಥವಾ ಆ ಭಾಷೆಯನ್ನು ಪ್ರಥಮ ಅಥವಾ ದ್ವಿತೀಯ ಭಾಷೆಯಾಗಿ ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ/ಪಿ.ಯು.ಸಿ/ಪದವಿಯಲ್ಲಿ ಅಭ್ಯಾಸ ಮಾಡಿರಬೇಕು.

C & R Rules ನಲ್ಲಿ "Note: Primary School Assistant Masters / Misters [Science], [English], [Hindi], in primary, Higher Primary and Model Higher Primary School shall form port of the General cadre and they shall teach other subjects also in addition to science / English / Hindi to make up the normal work load for the teacher" ಎಂದಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಪ್ರಾಥಮಿಕ, ಹಿರಿಯ ಮಾದರಿ ಹಾಗೂ ಉನ್ನತೀಕರಿಸಿದ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳಲ್ಲಿ ವಿಜ್ಞಾನ / ಆಂಗ್ಲ / ಹಿಂದಿ ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಸಹಶಿಕ್ಷಕರು ಸಾಮಾನ್ಯ ಶಿಕ್ಷಕರ ಹುದ್ದೆಯ

ಭಾಗವಾಗಿರುತ್ತಾರೆ. ಈ ಶಿಕ್ಷಕರು 2015 ಕಾರ್ಯಭಾರ ಹೊಂದಾಣಿಕೆಗೆ ವಿಜ್ಞಾನ / ಆಂಗ್ಲ / ಹಿಂದಿ ವಿಷಯಗಳೊಂದಿಗೆ ಇತರೆ ವಿಷಯಗಳನ್ನು ಸಹಾ ಸಂಬಂಧಿಸಿದ ಶಾಲಾ ಮಾಧ್ಯಮಗಳಲ್ಲಿ ಬೋಧಿಸತಕ್ಕದ್ದು.

ಸೂಚನೆ: *ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ನಿಗದಿಪಡಿಸಿದ ಕೊನೆಯ ದಿನಾಂಕದಂದು ನಿಗದಿತ ವಿದ್ಯಾರ್ಹತೆ ಪಡೆಯಲು ಪರೀಕ್ಷೆ ಬರೆದು ಫಲಿತಾಂಶಕ್ಕಾಗಿ ಕಾಯುತ್ತಿರುವ ಅಭ್ಯರ್ಥಿಗಳು ಅರ್ಹರಾಗುವುದಿಲ್ಲ. ನಿಗದಿ ಪಡಿಸಿದ ಕೊನೆಯ ದಿನಾಂಕದಂದು ವಿದ್ಯಾರ್ಹತೆಯ ಅಂಕಪಟ್ಟಿ ಹಾಗೂ ಇತರೆ ಸರ್ಟಿಫಿಕೇಟ್ಗಳನ್ನು ಪಡೆದಿರಬೇಕು."*

Cadre and Recruitment Rules notified under Executive order dated 31.01.2015 would also make it clear that a candidate for the post of Graduate Assistant Teacher (English) to Classes VI to VIII must be holder of a Degree in Education with English as method of teaching.

10. It is clear from the material on record that both the petitioners would not possess the qualification of B.Ed., with English as a method of teaching. The contention of the petitioners is that though they would possess B.Ed., degree without English as a method of teaching, qualification of Post Graduate Diploma in English would be sufficient and as such their cases ought to have been considered for selection and appointment to the post of Graduate Assistant Teachers in English.

11. The B.Ed., examination marks card of petitioner in W.P.No.25795/2023 produced along with I.A.No.1/2026 would indicate that the petitioner completed B.Ed., with special methods subject Kannada and History. The B.Ed., degree marks card of petitioner in W.P.No.20703/2024 would indicate that the petitioner has studied Subject-I as History, Subject-II as Kannada and additional subject Population Education. Both the petitioners have not studied English as one of the Method of Teaching. The Tribunal is justified in concluding that B.Ed., degree with English as a method of teaching is a mandatory requirement which the petitioners would not possess.

12. The petitioners contended that similarly situated persons have been appointed and in that regard, the petitioners places reliance on the order dated 31.01.2020 in Application No.7494/2016. We have gone through the said order and in the said case, the Tribunal directed the respondents to consider the representation of the applicant therein and in another decision in Application Nos.2995-3001/2016 dated 14.12.2020, the Tribunal

directed to consider the cases of the applicants therein in terms of recruitment notification dated 31.01.2015. In both the decisions requirement of qualification is not determined. Therefore, those decisions would not in any way support the case of the petitioners and the petitioners have failed to demonstrate that they would possess the qualification of B.Ed., with English as method of teaching. Moreover, the petitioners cannot claim equity in the matter of appointment without having the prescribed qualification.

13. Thus, we do not find any merit in the writ petitions and accordingly stands ***rejected***.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(K. V. ARAVIND)
JUDGE

NC
CT:bms