HC-KAR
CNR: KAHC010665112026

NC: 2026:KHC:55269
WP No. 30457 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 30457 OF 2026 (S-RES)

BETWEEN:

1. SRI. G. SURESHA,
S/O. K.S. GOVINDASETTY,
AGED ABOUT 64 YEARS,
OCC: RETIRED PHYSICAL EDUCATION TEACHER,
AT SRI BEERALINGESHWARA HIGH SCHOOL,
KANAGONDANAHALLI, DAVANGERE TALUK,
DAVANGERE DISTRICT - 577 525

2. SRI. S.R. RAJAPPA,
S/O S. RANGAPPA,
AGED ABOUT 62 YEARS,
OCC: RETIRED ASSISTANT MASTER,
AT SREE ANJANEYA RURAL HIGH SCHOOL,
TANIGERE, CHANNAGIRI TALUK,
DAVANAGERE (DIST.) - 577 552.

3. SRI. RUDRAIAH A.M.,
S/O VIRUPAKSHAIAH A.M.,
AGED ABOUT 57 YEARS,
OCC: HEAD MASTER,
WORKING AT SREE ANJANEYA RURAL HIGH SCHOOL,
TANIGERE, CHANNAGIRI TALUK,
DAVANAGERE (DIST.) - 577 552

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Location: HIGH COURT OF KARNATAKA

4. SRI. SHAKIL AHAMED,
S/O K. MOHAMED GHOUSE,
AGED ABOUT 63 YEARS
OCC: RETIRED HEAD MASTER,
AT URDU HIGH SCHOOL,
HONNALI - POST AND TALUK,
DAVANGERE DISTRICT - 577 217.

5. SRI. RAJU K.,
S/O KENCHAYALLAPPA,
AGED ABOUT 56 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE MAHATHMA HIGHER PRIMARY SCHOOL, MALALAKERE, DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514

6. SMT. P.T. SUREKA,
D/O B.G. NANDISH,
AGED ABOUT 57 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE MAHATHMA HIGHER PRIMARY SCHOOL, MALALAKERE, DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514.

7. SMT. ANUSUYA L,
D/O LAKKAMMA(MOTHER),
AGED ABOUT 52 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE MAHATHMA HIGHER PRIMARY SCHOOL, MALALAKERE,
DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514

8. SRI. DHARMAPPA HALAGAPPANAVAR
S/O KOTRAPPA HALAGAPPANAVAR,
AGED ABOUT 50 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE MAHATHMA HIGHER PRIMARY SCHOOL, MALALAKERE, DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514.

9. SRI. P. RUDRANAIK,
S/O PULUVANTHANAIK,
AGED ABOUT 48 YEARS,
OCC: PHYSICAL EDUCATION TEACHER,
WORKING AT SHREE MAHATHMA HIGHER PRIMARY SCHOOL, MALALAKERE, DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514.

10. SRI. KANTHARAJA C,
D/O CHANNAPPA A K,
AGED ABOUT 43 YEARS,
OCC: TEACHER,
WORKING AT LIONS HIGHER PRIMARY SCHOOL,
MALLEBENNUR HARIHARA (TQ.)
DAVANAGERE (DIST.) - 577 530.

11. SRI. MAHANTHAPPA K T
S/O THIPPANNA K.G.,
AGED ABOUT 53 YEARS,
OCC: ASSISTANT TEACHER,
SHREE GNANABHARATHI HIGHER PRIMARY SCHOOL,
NITTUR, HARIHARA (TQ.)
DAVANAGERE (DIST.) - 577 530.

12. SRI. SHANKARAPPA R,
S/O RANGAPPA,
AGED ABOUT 63 YEARS,

OCC: RETIRED HEAD MASTER,
AT SHREE GNANABHARATHI HIGHER PRIMARY SCHOOL, NITTUR, HARIHARA (TQ.)
DAVANAGERE (DIST.) - 577 530.

13. SRI. MAHABOOB ALI,
S/O BABU SAB,
AGED ABOUT 53 YEARS,
OCC: D GROUP,
WORKING AT JAMIYA NATIONAL URDU HIGH SCHOOL, MALEBENNUR, HARIHAR TALUK,
DAVANAGERE (DIST.) - 577 530.

14. SRI. GIRISHA N.M.,
S/O MALLIKARJUNAPPA H.N.,
AGED ABOUT 42 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT BHARATHIYA KANNADA HIGHER PRIMARY SCHOOL, HONNALI TALUK,
DAVANAGERE (DIST.) - 577 217.

15. SRI. ANJANEYA T.G.,
S/O GURUMURTHAPPA T.,
AGED ABOUT 49 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE REVANASIDDA BHEERALINGESHWARA HIGHER PRIMARY SCHOOL,
HARIHAR TALUK, DAVANAGERE (DIST.) - 577 530

16. SRI. H.N. SUJAYA KUMARA
S/O NINGAPPA,
AGED ABOUT 55 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT JNANA JYOTHI HPS LOKIKERE.,
DAVANAGERE TALUK AND DISTRICT - 577 009

17. SRI. JAYAPPA G
S/O RUDRAPPA,
AGED ABOUT 56 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT JNANA JYOTHI HPS LOKIKERE.,
DAVANAGER TALUK AND DISTRICT - 577 009.

18. SRI. B.S. NAGARAJA
S/O SHEKHARAPPA,
AGED ABOUT 51 YEARS,
OCC: P.E. TEACHER,
WORKING AT JNANA JYOTHI HPS LOKIKERE.,
DAVANAGERE TALUK AND DISTRICT - 577 009

19. SRI. K.P. DHANYA KUMAR,
S/O PANCHAPPA,
AGED ABOUT 45 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT JNANA JYOTHI HPS LOKIKERE.,
DAVANAGER TALUK AND DISTRICT - 577 009

20. SRI. M.H. NAGARAJA
S/O M. HALESHAPPA,
AGED ABOUT 51 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT JNANA JYOTHI HPS LOKIKERE.,
DAVANAGER TALUK AND DISTRICT - 577 009.

21. SRI. LOKESH G.
S/O NAGENDRAPPA,
AGED ABOUT 42 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. BASAVESHWARA HPS,
DAGINAKATTE, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551

22. SRI. KAVALIBASAPPLA KARIBASAPPA,
S/O KAVALIBASAPPLA GURUSIDDAPPA,
AGED ABOUT 44 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. BASAVESHWARA HPS,
DAGINAKATTE, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551.

23. SRI. HARISHA H.G.
S/O GANESHAPPA H.G.,
AGED ABOUT 41 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. BASAVESHWARA HPS,
DAGINAKATTE, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551

24. SRI. A.R. DINESH KUMAR,
S/O A. REVANASIDDAPPA,
AGED ABOUT 43 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. SRGVP HPS BASAVAPATTANA,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551

25. SRI. NAGARAJ Y.
S/O SIDDALINGAPPA Y,
AGED ABOUT 51 YEARS,
OCC: ASSISTANT TEACHERS,
WORKING SRI. SRGVP HPS BASAVAPATTANA,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551.

26. SRI. ASHMATH G
S/O GUFFUR SAB,

OCC: ASSISTANT TEACHER,
AGED ABOUT 45 YEARS,
WORKING AT MILLATH HPS,
BHASHANAGARA DAVANAGERE NORTH,
DAVANAGERE - 577 001.

27. SRI. C. MANJAPPA,
S/O SHEKHARAPPA,
AGED ABOUT 46 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT NAVODAYA KANNDA HPS,
PANDOMATTI, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213

28. SRI. SHIVAPUTRA D.T.,
S/O DODDAMANI THIPPANNA,
AGED ABOUT 60 YEARS,
OCC: RETD D GROUP ,
AT BABASAHEB AMBEDKAR P.U. COLLEGE,
HARIHAR TALUK,
DAVANAGERE (DIST.) - 577 601.

29. SRI. MADHU KUMAR L.G.
S/O HALESHAPPA L.G.,
AGED ABOUT 41 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT BAPUJI HIGHER PRIMARY SCHOOL,
BASAVAPATTANA, BUCHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 551.

30. SRI. SHIVAPPA MALIGI
S/O BHEMAPPA MALIGI,
AGED ABOUT 52 YEARS,
OCC: ASSISTANT TEACHER,

WORKING AT SHREE GANANA GANGOTHRI HIGHER
PRIMARY SCHOOL, HOLESIRIGERE POST,
HARIHAR TALUK, DAVANAGERE DISTRICT - 577 516.

31. SRI. RAVI H R
S/O RAJANDRAPPA H,
AGED ABOUT 47 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SHREE GANANA GANGOTHRI HIGHER
PRIMARY SCHOOL, HOLESIRIGERE POST,
HARIHAR TALUK, DAVANAGERE DISTRICT - 577 516.

32. SRI. M RAMACHANDRAPPA
S/O MARAPPA,
AGED ABOUT 60 YEARS,
OCC: RETD D GROUP,
AT DEVAMMA A.R.B HIGH SCHOOL,
ANEKOND, DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577 001.

33. SRI. KRISHNA NAIK N
S/O NAMYA NAIK,
AGED ABOUT 51 YEARS,
OCC: P.E. TEACHER,
WORKING AT YASHASWINI HIGHER PRIMARY
SCHOOL, 2ND MAIN, 17TH CROSS,
RAJARAM NAGAR, HARIHAR, HARIHAR TALUK,
DAVANAGERE DISTRICT - 577 601

34. SRI. RAMANAGOWDA D.B.
S/O DODDABASAPPA D.B.,
AGED ABOUT 44 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT

YASHASWINI HIGHER PRIMARY SCHOOL, 2ND MAIN,
17TH CROSS, RAJARAM NAGAR, HARIHAR,
HARIHAR TALUK, DAVANAGERE DISTRICT - 577 601.

35. SRI. NAGARAJA G
S/O NOORAPPA G,
AGED ABOUT 48 YEARS,
OCC ASSISTANT TEACHER,
WORKING AT YASHASWINI HIGHER PRIMARY
SCHOOL, 2ND MAIN, 17TH CROSS, RAJARAM NAGAR,
HARIHAR, HARIHAR TALUK,
DAVANAGERE DISTRICT - 577 601.

36. P MURTHY,
S/O ESWARAPPA
AGED ABOUT 62 YEARS,
OCC: RETD ASSISTANT TEACHER,
AT SREE MAHATHMA HIGHER PRIMARY SCHOOL,
MALLAKERE, DAVANAGERE TALUK,
DAVANAGERE (DIST.) - 577 514.

37. SHIVALINGAPPA HALLI KENCHANNA,
S/O BEERAPPA,
AGED ABOUT 62 YEARS,
OCC: RETD ASSISTANT TEACHER,
AT BHARATHIYA KANNADA HIGHER PRIMARY
SCHOOL, HONNALI TALUK,
DAVANAGERE (DIST.) - 577 217.

38. CHANDRASHEKARA H,
S/O BASAPPA H,
AGED ABOUT 59 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI MARUTHI HIGHER PRIMARY

SCHOOL, MALEBENNUR, HARIHAR TALUK,
DAVANAGERE (DIST.) - 577 530.

39. SRI. JAYANNA C.,
S/O KARIYAPPA C.,
AGED ABOUT 57 YEARS,
OCC: HEAD MASTER,
WORKING AT SRI. BEERALINGESHWAR BOYS HIGH
SCHOOL MALEBENNUR, HARIHARA TALUK
DAVANAGERE DISTRICT - 577 530.

40. SRI. KARIYAPPA C,
S/O CHANNABASAPPA,
AGED ABOUT 56 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. BEERALINGESHWAR BOYS HIGH
SCHOOL MALEBENNUR, HARIHARA TALUK
DAVANAGERE DISTRICT - 577 530

41. SMT. CHANDRAKALA R,
S/O PARASHURAM SALAHALLI,
AGED ABOUT 54 YEARS,
OCC: ASSISTANT TEACHER,
WORKING AT SRI. BEERALINGESHWAR BOYS HIGH
SCHOOL MALEBENNUR, HARIHARA TALUK
DAVANAGERE DISTRICT - 577 530

42. SRI. BHANGI NINGAPPA
S/O BASAPPA,
AGED ABOUT 53 YEARS,
OCC: DRAWING TEACHER,
WORKING AT SRI. BEERALINGESHWAR BOYS HIGH
SCHOOL MALEBENNUR, HARIHARA TALUK
DAVANAGERE DISTRICT - 577 530

43. SRI. MALLIKARJUNA P,
S/O HALASIDDAPPA P,
AGED ABOUT 57 YEARS,
OCC: SDA, WORKING AT
SRI. BEERALINGESHWAR BOYS HIGH SCHOOL
MALEBENNUR, HARIHARA TALUK
DAVANAGERE DISTRICT - 577 530

44. SRI. KRISHNAPPA K,
S/O HANUMANTHAPPA,
AGED ABOUT 65 YEARS,
OCC: RETIERD ASSISTANT TEACHER,
AT SRI BEERALINGESHWAR BOYS HIGH SCHOOL
MALEBENNUR, HARIHARA TALUK
DAVANGERE DISTRICT - 577 530

45. SRI. VRUSHABHANNA J
S/O LATE JUNJANNA
AGED ABOUT 66 YEARS,
OCC: RETD ASSISTANT TEACHER,
AT SHRI. BALAJI HIGHER PRIMARY SCHOOL,
YARAVANAGATHI HALLI CAMP,
DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577 002.

46. SRI. D.H. MANJAPPA
S/O LATE HALAPPA
AGED ABOUT 60 YEARS,
OCC: RETD ASSISTANT TEACHER,
AT SHRI. LINGESHWARA HIGHER PRIMARY SCHOOL,
KANDAGALLU, DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577 002.

47. SRI DEVENDRAPPA NITTUVALLI,
S/O SRI N. CHANNABASAPPA,
AGED ABOUT 56 YEARS,
OCC: D GROUP, WORKING AT GMCG HIGH SCHOOL,
DULEHOLE, HARIHARA TALUK,
DAVANAGERE DISTRICT - 577 516,

48. KANIVEMMA H,
D/O HANUMANTHAPPA,
AGED ABOUT 63 YEARS,
OCC: RETIRED D GROUP AT
VBVP HIGH SCHOOL, DEVARAJ URS LAYOUT,
DAVANAGERE DISTRICT - 577 006,

…PETITIONERS

(BY SRI. MARUTHI G.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY, MULTISTORIED BUILDING,
VIDHANA VEEDHI,
BANGALORE - 560 001

2. THE COMMISSIONER,
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY, NRUPATHUNGA ROAD,
BANGALORE - 560 001

3. PRINCIPAL ACCOUNTANT GENERAL
(A AND AMP E) P.B. NO. 5329/5369,
ANNEXE BUILDING, PARK HOUSE ROAD,
BENGALURU - 560 001.

4. THE DIRECTOR DEPARTMENT OF SCHOOL
EDUCATION (PRE-UNIVERSITY) (PUE),
18TH CROSS, MALLESHWARAM, SAMPIGE ROAD,
BENGALURU - 560 012

5. DEPUTY DIRECTOR OF PRE-UNIVERSITY EDUCATION
(DDPU), JILLA ADALITHA BHAVAN
(DISTRICT ADMINISTRATION BUILDING),
DAVANAGERE DISTRICT - 577 002

6. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
(DDPI), ADMINISTRATION,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
DAVANAGERE DISTRICT - 577 002

7. THE BLOCK EDUCATION OFFICER,
DAVANAGERE NORTH,
DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577 525

8. THE BLOCK EDUCATION OFFICER,
CHANNAGIRI, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 552.

9. THE BLOCK EDUCATION OFFICER,
HONNALI, HONNALI TALUK,
DAVANAGERE DISTRICT - 577 217.

10. THE BLOCK EDUCATION OFFICER,
HARIHARA, HARIHARA TALUK,
DAVANAGERE DISTRICT - 577 530.

…RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1, 2, 4 TO 10
SRI. N. AMARESH, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.1 TO 04 AUTHORITIES TO RECKON THE SERVICE RENDERED BY THE PETITIONERS FROM THEIR RESPECTIVE DATES OF INITIAL APPOINTMENT, INCLUDING THE SERVICE RENDERED PRIOR TO ADMISSION OF THEIR RESPECTIVE POSTS TO GRANT-IN-AID, FOR THE PURPOSE OF FIXATION/RE-FIXATION OF PAY, INCREMENTS, SENIORITY, PENSIONARY/RETIRAL BENEFITS AND ALL OTHER CONSEQUENTIAL SERVICE BENEFITS, IN ACCORDANCE WITH THE LAW DECLARED BY THIS HONBLE COURT IN W.A.NO.2476/2015 RELEVANT PORTION AND CONNECTED MATTERS, WHICH IS MARKED AT ANNEXURE-B 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

1. Learned Additional Government Advocate accepts notice for respondents No.1, 2, 4 to 10.

2. Sri. N. Amaresh, learned counsel is directed to accept notice for respondent No.3.

3. The petitioners who are stated to be teaching and non-teaching staff serving in various aided educational institutions have filed the present petition seeking for issuance of a writ in the nature of *mandamus* to direct the

respondent authorities to reckon the service rendered by the petitioners from the dates of their appointment including the service rendered prior to admission of their respective posts to grant-in-aid and have sought for extension of service benefits as may flow from the observations made in W.A.No.2476/2015 and connected matters.

4. 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.

5. 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.

6. 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.

7. 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.

8. Accordingly, the petition is allowed. Respondents No.1, 2 and 4 to 10 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.

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

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

SKS