HC-KAR
NC: 2026:KHC:55325
WP No. 30521 of 2026
CNR: KAHC010665132026

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. 30521 OF 2026 (S-RES)

BETWEEN:

1. SRI. UDAYASHANKARA B L
   S/O. LAKSHMAPPA B.
   AGED ABOUT 62 YEARS
   OCC: RETIRED PRINCIPAL AND ECONOMICS LECTURER
   AT SRI BEERALINGESHWARA WOMES PU COLLEGE (G.D. 134), MALEBENNUR, HARIHAR TALUK
   DAVANAGERE (DIST.) - 577 530

2. SRI. HANUMAGOWDA S.
   S/O. KARIBASAPPA S.G.
   AGED ABOUT 60 YEARS
   OCC: RETIRED PRINCIPAL/LECTURER IN POLITICAL SCIENCE
   AT SRI. BEERALINGESHWARA WOMENS P.U. COLLEGE (G.D. 134)
   MALEBENNUR, HARIHAR TALUK
   DAVANAGERE (DIST.) - 577 530

3. SRI. SHAMBULINGAPPA H.
   S/O. SIDDALINGAPPA H.
   AGED ABOUT 53 YEARS
   OCC: LECTURER IN HISTORY
   WORKING AT SRI. BEERALINGESHWARA WOMENS P.U. COLLEGE (G.D. 134),

Digitally signed by VIDYA G R
Location: HIGH COURT OF KARNATAKA

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

4. SRI. BASAVARAJA P.R.
S/O. RANGAPPA P.
AGED ABOUT 54 YEARS
OCC: SDA,
WORKING AT SRI. BEERALINGESHWARA WOMENS
P.U. COLLEGE (G.D. 134)
MALEBENNUR, HARIHAR TALUK
DAVANAGERE DISTRICT - 577 530.

5. HANUMANTHAPPA P
S/O. PUTTAPPA
AGED ABOUT 53 YEARS
OCC: "D GROUP"
WORKING AT SRI BEERALINGESHWARA WOMENS
P.U. COLLEGE (G.D. 134)
MALEBENNUR, HARIHAR TALUK
DAVANAGERE DISTRICT - 577 530.

6. SHEKHARAPPA S.G.
S/O. KARIBASAPPA S.G
AGED ABOUT 60 YEARS
OCC: PHYSICAL EDUCATION TEACHER
AT SRI BEERALINGESHWARA WOMENS P.U. COLLEGE
(G.D. 134)
MALEBENNUR, HARIHAR TALUK
DAVANAGERE DISTRICT - 577 530.

…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. PRINCIPAL ACCOUNTANT GENERAL (A & E)
   P.P. NO.5329/5369, ANNEXE BUILDING
   PARK HOUSE ROAD
   BENGLAURU - 560 001

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1, 3 AND R4
SRI. N. AMARESH, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT AUTHORITIES NO. 1 TO 4 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 RELEVENT PORTION AND CONNECTED MATTERS, WHICH IS MARKED AT ANNEXURE-B ETC.

CNR: KAHC010665132026

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, 3 and 4.

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

3. The petitioners who are stated to be teaching and non-teaching staff serving in recognized private aided educational institution have filed the present petition seeking for issuance of a writ in the nature of *mandamus* to direct the respondents 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, 3 and 4 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