HC-KAR
NC: 2026:KHC:55270
WP No. 30519 of 2026
CNR: KAHC010666902026

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. 30519 OF 2026 (S-RES)

BETWEEN:

1. SRI. SHANTHARAMA KINI
S/O PANDURANGA KINI
AGED 63 YRS
OCC: RETIRED OFFICE SUPERINTENDENT
R/A NO.52/2, 4TH CROSS,
SANMANE EXTENTION,
SAGARA, SHIVAMOGGA DISTRICT.

2. M MYLAPPA,
S/O HUCHAPPA
AGED ABOUT 74 YEARS,
OCC: RETIRED FDA,
R/AT MARASAVASA, M I HALLI POST,
SAGARA, SHIVAMOGGA DISTRICT.

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Location: HIGH COURT OF KARNATAKA

3. D RAMAPPA
S/O BYRAPPA,
AGED ABOUT 74 YEARS,
OCC: RETIRED HELPER IN SCIENCE,
R/A NO. 103, KAGODU,
HIRENELLUR, SAGARA,
SHIVAMOGGA DISTRICT.

4. K NARAYANA
S/O KANNAPPA,
AGED ABOUT 65 YEARS,

OCC: RETIRED HELPER IN MECHANICAL,
R/AT B.K. ROAD, KAMBALIKOPPA,
SAGARA, SHIVAMOGGA DISTRICT.

5. H C MANJAPPA,
S/O CHOWDAPPA,
AGED ABOUT 71 YEARS,
OCC: RETIRED ATTENDER,
R/A B K ROAD, NEAR AUTO STAND,
GANDHINAGARA, SAGARA,
SHIVAMOGGA DISTRICT.

6. MANJAPPA
S/O LAXMANAPPA,
AGED ABOUT 63 YEARS,
OCC: RETIRED HELPER IN E AND C,
R/A VOTHIGODU, YALAGALALE,
VARADAMOOLA, SAGARA,
SHIVAMOGGA DISTRICT.

7. L D DURGAPPA
S/O DYAVAPPA,
AGED ABOUT 71 YEARS,
OCC: RETIRED MECHANIC IN MECHANICAL,
R/A LANDIGERI, SHIRAVANTHE,
SHIVAMOGGA DISTRICT.

8. BYRAPPA K A
S/O AVINAHALLI PUTTAPPA,
AGED ABOUT 65 YEARS,
OCC: RETIRED HELPER IN E AND C,
R/A NO.225, 5TH CROSS,
ANALEKOPPA, SAGARA,
SHIVAMOGGA DISTRICT.

9. H BALACHANDRA JOIS
S/O ANANTHA JOIS,
AGED ABOUT 74 YEARS,
OCC: RETIRED ASST. INSTRUCTOR IN MECHANICAL,
R/AT LIG/8, KHB COLONY, GANDHINAGARA,
SAGARA, SHIVAMOGGA DISTRICT.

10. I L D'COSTA
S/O J M D'COSTA,
AGED ABOUT 66 YEARS,
OCC: RETIRED HELPER IN MECHANICAL,
R/AT VINCENT VILLA, SN NAGARA,
3RD CROSS, SAGARA,
SHIVAMOGGA DISTRICT.

ALL ARE WORKING AT
SANJAY MEMORIAL POLYTECHNIC,
SAGAR - 577 401 (AIDED),
SAGAR TOWN, SHIVMOGGA DISTRICT.

…PETITIONERS

(BY SRI. CHANDRASHEKAR G.M., ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

2. THE DIRECTOR OF TECHNICAL EDUCATION
PALACE ROAD, NEAR HOTEL ATRIA,
BENGALURU - 560 010

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) DIRECT THE RESPONDENT AUTHORITIES TO CONSIDER THE REPRESENTATION DATED 27.08.2026 VIDE ANNEXURE-C AND GRANT THE FINANCIAL SERVICE BENEFITS IN FAVOUR OF THE PETITIONERS AS PER THE ORDER DATED 10.11.2015 IN WP NO.21216/2014 AND WA NO.2467/2015, WA NO.2476/2015 AND CONNECTED MATTERS PASSED BY THE LEARNED SINGLE JUDGE AND HONBLE DIVISION BENCH OF HIGH COURT OF KARNATAKA 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 Government Advocate accepts notice for the respondents.

2. The petitioners have filed the present petition and have sought for a direction to the respondent authorities to consider the representation which is in the nature of a legal notice issued on behalf of the Employees at Annexure-C, and to grant benefits in terms of the observations made in W.P.No.21216/2014 as well as

observations made in WA No.2467/2015. In terms of Annexure-C, the petitioners have sought for appropriate service benefits by reckoning non-grant period as well which period it is stated may be taken note of for the purpose of seniority and other benefits.

3. 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.

4. 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.

5. 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.

6. 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.

7. Accordingly petition is allowed. Respondents No.1 and 2 are directed to take note of the observations made above and reckon services of the petitioners from the date of appointment i.e. appointment pre grant-in-aid for the purpose of extending benefits as would flow from para 61 of the order in writ appeal mentioned above.

8. Needless to state, the respondents to complete consideration and pass appropriate orders within a period of six (6) months.

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

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

SKS