HC-KAR
CNR: KAHC010672262026

NC: 2026:KHC:54652
WP No. 30855 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 30855 OF 2026 (S-RES)

BETWEEN:

1. LOKESH C D
   S/O DEVAIAH
   AGED ABOUT 58 YEARS,
   OCC LECTURER GRAD-II,
   W/A HEBBALE COMPOSITE PU COLLEGE,
   HEBBALE, SOMWARAPETE TALUK,
   KODAGU DISTRICT.

2. K P JAYAKUMAR
   S/O PUTTASWAMAIAH
   AGED ABOUT 51 YEARS,
   OCC: ASST TEACHER.
   W/A SRI VIGNESHWARA BALIKA HIGH SCHOOL,
   SHANIWARASANTHE,
   SOMWARAPETE TALUK,
   KODAGU DISTRICT.

3. SUCHITRA K S
   D/O SUBBARAO K
   AGED ABOUT 51 YEARS,
   OCC: ASST TEACHER.
   W/A SRI VIGNESHWARA BALIKA HIGH SCHOOL,
   SHANIWARASANTHE,
   SOMWARAPETE TALUK,
   KODAGU DISTRICT.

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

4. SHIVAPRAKASH T P
S/O PARVATHAPPA T H
AGED ABOUT 61 YEARS,
OCC RETIRED TEACHER,
W/A SRI VIGNESHWARA BALIKA HIGH SCHOOL,
SHANIWARASANTHE,
SOMWARAPETE TALUK,
KODAGU DISTRICT.
R/A THORENUR, KODAGU.

5. K S DODDAIAH
S/O SUBBAIAH
AGED ABOUT 59 YEARS,
OCC: GROUP-D EMPLOYEE.
W/A BHARATHIYA VIDYA SAMSTHE
HIGH SCHOOL,
SHANIWARASANTHE,
SOMWARAPETE TALUK
KODAGU DISTRICT.

6. K.M. PARVATHAMMA,
D/O SHRIDHAR,
AGED ABOUT 66 YEARS
OCC: SDA (RETIRED).
W/A MARKET ROAD,
SOMWARPET TALUK,
KUSHALANAGARA,
KODAGU-571234.

7. GOPAL S S
S/O SUBBAIAH S A,
AGED ABOUT 61 YEARS,
OCC: RETIRED ASST TEACHER.
R/A NO.98, 4TH BLOCK, KHB COLONY,
NEAR JNANABHARATHI HIGH SCHOOL,

KUSHALANAGARA,
KODAGU DISTRICT.

8. NAGEENA BANU V R
D/O ABDUL REHAMAN
AGED ABOUT 55 YEARS,
OCC: ASST TEACHER.
W/A MOOKAMBIKA HIGH SCHOOL,
SOMWARPETE TOWN,
KODAGU DISTRICT.

9. SURESH D K
S/O KALAIAH,
AGED ABOUT 56 YEARS,
OCC: ASST TEACHER.
W/A MOOKAMBIKA HIGH SCHOOL,
SOMWARPETE TOWN,
KODAGU DISTRICT.

…PETITIONERS

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

AND:

1. THE PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY,
M.S BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE-560001.

2. THE COMMISSIONER,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY,
NRUPATUNGA ROAD,
BENGALURU-560001.

3. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
ADMINISTRATION
DEPARTMENT OF PUBLIC INSTRUCTIONS,
KODAGU-571201.

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT AUTHORITIES TO CONSIDER THE REPRESENTATION DATED 28.08.2026 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 HON'BLE DIVISION BENCH OF HIGH COURT OF KARNATAKA AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Learned Additional Government Advocate accepts notice for respondents No.1 to 3.

2. The petitioners are stated to be the teaching staff and working since several years. The petitioners have filed the present petition seeking direction to the respondents to consider the representation at Annexure-C

and grant the financial service benefits by taking note of the date of appointment instead of the date of admitting the post to grant-in-aid so as to calculate their seniority, basic pay fixation, annual increment, time bound increment etc., in terms of the observations made in W.A.No.2467/2015, W.A.No.2476/2015 and connected matters.

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, the petition is allowed. Respondents No.1 to 3 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.

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

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 2 Sl No.: 9