HC-KAR
NC: 2026:KHC:54651
WP No. 30844 of 2026
CNR: KAHC010675142026

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. 30844 OF 2026 (S-RES)

BETWEEN:

1. KAVITHA G. N.,
W/O SANJAY KUMAR S. E.,
AGED ABOUT 41 YEARS,
OCC: ASSISTANT TEACHER.
W/A SHREE MADHAVA VIDYAMANDIRA
HIGHER PRIMARY SCHOOL,
SIRA TOWN,
TUMKUR DISTRICT.

2. BHAGYASHREE R
W/O SATHISH S J
AGED ABOUT 41 YEARS,
OCC: ASST TEACHER,
W/A SHREE MADHAVA VIDYAMANDIRA
HIGHER PRIMARY SCHOOL,
SIRA TOWN, TUMKUR DISTRICT.

3. RAVISHANKAR B N,
S/O NAGARAJU B S,
AGED ABOUT 53 YEARS,
OCC: ASSISTANT TEACHER.
W/A KESHAVA VIDYA MANDIRA
HIGHER PRIMARY SCHOOL,
HULIYAR, CN HALLI,
TUMKUR DISTRICT.

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

4. ANANDARAJU B K
S/O KSHETRAPALIAH
AGED ABOUT 58 YEARS,
OCC: ASST TEACHER,
W/A KANAKADASA HIGHER PRIMARY SCHOOL
CN HALLI POST, HULIYAR,
TUMAKURU-572218/

5. M S MARULAIAH,
S/O SHARANAPPA,
AGED ABOUT 57 YEARS,
OCC: ASSISTANT TEACHER.
W/A DEENA DAYALU HIGHER PRIMARY SCHOOL,
TIPTUR TALUK, TUMKUR DISTRICT.

6. MANJULA R
W/O RAMESH K
AGED ABOUT 51 YEARS,
OCC: ASST TEACHER,
W/A CHANNABASAVESHWARASWAMY
HIGHER PRIMARY SCHOOL,
KENKERI VILLAGE,
CHIKKANAYAKANAHALLI TALUK,
TUMAKURU DISTRICT.

7. C H MAHADEVAPPA,
S/O HANUMANTHAPPA,
AGED ABOUT 59 YEARS,
OCC: ASSISTANT TEACHER.
W/A SHRI MADHAV VIDYA MANDIRA,
SIRA TALUK, TUMKUR DISTRICT.

8. KOTTURAIAH
SINCE DECEASED REP BY HIS LR

W/A SRI CHANNABASAVESHWARASWAMY
HIGHER PRIMARY SCHOOL, KENKERI,
CHIKKANAYAKANAHALLI
S PARVATHAMMA
W/O KOTTURAIAH
AGED ABOUT 60 YEARS,
R/A KENKERE, HULIYAR HOBLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKURU DISTRICT.

9. SHIVAKUMARASWAMY K M,
S/O MARULASIDAPPA K R,
AGED ABOUT 54 YEARS,
OCC: ASST TEACHER,
WORKING AT KALLAMBA HIGH SCHOOL
KOTENAYAKANAHALLI AT AND POST,
TIPTUR TALUK, TUMKURU DISTRICT.

10. KAVITHA M S
W/O RAGHU B P
AGED ABOUT 51 YEARS,
G.M. CHANDRASHEKAR
OCC: CRAFT TEACHER,
W/A SRI JAYABHARATI VIDYAPEETA
COMPOSITE PU COLLEGE,
(HIGH SCHOOL SECTION),
MATHIGATTA POST,
CHIKKANAYAKANAHALLI TALUK,
TUMKURU DISTRICT.

11. R. DAKSHINA MURTHY
S/O RAMALINGAIAH
AGED ABOUT 56 YEARS,
OCC: ASSISTANT TEACHER.

W/A SAKSHARATHA MAHILA MANDALI
HIGH SCHOOL, GURUVAPURA,
GANADHAL POST, HULIYAR HOBLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKURU DISTRICT - 572218.

12. S R BHANUPRAKASH
S/O C B REVANNA,
AGED ABOUT 46 YEARS,
OCC : ASST TEACHER.
W/A PRIYADARSHINI HIGHER PRIMARY SCHOOL,
THIMMANAHALLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKURU DISTRICT.

13. S DEVARAJ,
S/O LATE. SEETHARAMAIAH,
AGED ABOUT 55 YEARS,
OCC: ASST TEACHER.
W/A PRIYADARSHINI HIGHER PRIMARY SCHOOL,
THIMMANAHALLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKURU DISTRICT.

14. SOMASHEKHAR H.N,
S/O NANJUNDEGOWDA,
AGED ABOUT 56 YEARS,
OCC: P.E. TEACHER.
TAGOOR HIGH SCHOOL,
TIPATURU, KHB COLONY,
PRESENTLY WORKING AT
GOVERNMENT HIGH SCHOOL,
HONGELAKSHMI KRETHRA,

NONAVINAKERE HOBLI,
TIPTUR TALUK, TUMAKURU.

15. G. RAJASHEKHARAPPA
S/O LATE GANGAPPA,
AGED ABOUT 72 YEARS,
WAS W/A SHREE JAYABHARATHI
COMPOSITE PU COLLEGE,
MATHIGHATTA, CHIKKANAYAKANAHALLI,
TUMKUR,
R/A NO. 4, BELIGEHALLI,
MATHIGHATTA POST,
HANDANAKERE HOBLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKUR 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,
TUMAKURU-572102.

…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.: 7