HC-KAR
NC: 2026:KHC:59473
WP No. 31131 of 2026
CNR: KAHC010679462026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 31131 OF 2026 (S-RES)

BETWEEN:

1. SRI. MAHADEVASWAMY
   S/O LATE PUTTAIAH,
   AGED ABOUT 56 YEARS,
   OCC: DRAWING TEACHER,
   WORKING AT SRI NANJUNDESHWARA
   VIDYAVARDHAKA HIGH SCHOOL,
   NANJUNGUD TALUK, MYSORE DISTRICT - 571301.

2. SRI. C. MAHADEVAIAH
   S/O LATE CHIKKAMADEGOWDA,
   AGED ABOUT 56 YEARS,
   OCC: HORTICULTURE TEACHER,
   WORKING AT SRI KANAKADASA SARVAJANIKA
   HIGH SCHOOL, NANJUNGUD TALUK,
   MYSORE DISTRICT - 571301.

...PETITIONERS

(BY SRI. MARUTHI G B., ADVOCATE)

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY,
   DEPARTMENT OF SCHOOL EDUCATION AND
   LITERACY,
   M.S. BUILDING, VIDHANA VEEDHI,
   BENGALURU - 560001.

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

3. PRINCIPAL ACCOUNTANT GENERAL
(A AND AMP; E), P.B. NO. 5329/5369,
ANNEXE BUILDING, PARK HOUSE ROAD,
BENGALURU 560001.

4. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
(DDPI), ADMINISTRATION,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
N.R. MOHALLA, NARASIMHARAJA MOHALLA SUB
POST OFFICE, MYSORE,
MYSORE DISTRICT – 570007

5. THE BLOCK EDUCATION OFFICER (BEO),
NANJANGUD, NANJANGUD TALUK,
MYSORE DISTRICT - 562123.

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1, 2, 4 AND 5;
SRI. N. AMARESH, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT 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 RELAVANT PORTION DATED 29.07.2026 AND CONNECTED MATTERS, WHICH IS MARKED AT ANNEXURE-B 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

1. Learned Additional Government Advocate accepts notice for respondents No.1, 2, 4 and 5.

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

3. The petitioners are before this court seeking for the following relief:

> *a) Issue a writ in the nature of Mandamus directing the respondent 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 Hon'ble court in W.A.No.2476/2015 and connected matters, relevant portion dated 29.07.2026, which is marked at Annexure-B;

b) Issue a writ in the nature of Mandamus directing respondents to consider the representation dated 14.08.2026, in the light of the common judgment dated 24.07.2026 passed by this Hon'ble Court in W.A.No.2476/2015 and relevant portion on Annexure-B and connected matters, and to extend the benefits flowing therefrom to the petitioners, who are similarly situated employees, representation marked at Annexure-C.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Accordingly, the petition is allowed. Respondents No.2 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

SKS