HC-KAR

NC: 2026:KHC:61227
WP No. 33599 of 2026

CNR: KAHC010738082026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 33599 OF 2026 (S-RES)

BETWEEN:

SRI DHANANJAYA R. G.
S/O GIRIYANNA R. T.,
AGED ABOUT 47 YEARS,
WORKING AS ASSISTANT PROFESSOR IN ECONOMICS,
SMT. KOTEBORAMMA FIRST GRADE COLLEGE,
RAHEEMNAGAR, A. G. ROAD, CHALLAKERE,
CHITRADURGA DISTRICT - 577 522.

...PETITIONER

(BY SRI. GIRISHKUMAR R., ADVOCATE)

AND:

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560 001.

2. THE COMMISSIONER OF COLLEGIATE EDUCATION,
PALACE ROAD,
BENGALURU 560 001.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
PALACE ROAD,
BENGALURU 560 001.

4. THE REGIONAL JOINT DIRECTOR OF COLLEGIATE EDUCATION,
SHIVAMOGGA DIVISION,
SHIVAMOGGA - 577 201.

5. THE PRINCIPAL,
SMT. KOTEBORAMMA FIRST GRADE COLLEGE,
RAHEEMNAGAR, A. G. ROAD, CHALLAKERE,
CHITRADURGA DISTRICT - 577 522.

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1 TO R4;
NOTICE TO R5 IS DISPENSED WITH VIDE ORDER DATED 04.11.2026.)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION QUASHING THE ENDORSEMENT BEARING NO. KASHIE/316/NYA.PRA/2021-22/SEVI-1 DATED 25.03.2022 ISSUED BY RESPONDENT NO. 2 VIDE ANNEXURE-A, WHEREIN THE CLAIM OF THE PETITIONER FOR COUNTING PAST UNAIDED SERVICE WAS DEFERRED/REJECTED 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 4. Notice to respondent No.5 is dispensed with.

2. The petitioner is stated to be an Assistant Professor in Economics working at Smt. Koteboramma First Grade College since several years. The petitioner has filed the present petition seeking direction to the respondents to reckon and count the past continuous service rendered by taking note of the date of appointment instead of the date of admitting his post to grant-in-aid so as to calculate notional fixation of pay, annual increments, seniority, time bound increment and pensionary/retirement benefits, in terms of the observations made in 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 petitioner 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 petitioner would be as observed by the Court in the observations contained in para 61.

7. Accordingly, the petition is allowed. Respondents No.1 to 4 to take note of the observations made above and reckon service of the petitioner 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.: 1 Sl No.: 9