



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 35 OF 2025 (S-RES)

BETWEEN:

1. THE SECRETARY
GRAMA VIDYODAYA SANGHA,
T.NARSIPURA,
MYSURU DIST.-571124
2. THE HEAD MASTER,
SRI GURU MALLESWARA SARVAJANIKA HIGH
SCHOOL, BENAKANAHALLI,
T. NARSIPURA TALUK,
MYSURU DIST-571110

...APPELLANTS

(BY SRI.R.S.RAVI., SENIOR ADVOCATE FOR
SRI. AKARSH KUMAR GOWDA.,ADVOCATE)

AND:

1. PUTTASWAMY
S/O GURUMALLAPPA, AGED ABOUT 62 YEARS, R/A
NARAKYATHANAHALLI,
T.NARSIPURA TALUK - 571 120.
2. THE DIRECTOR OF PUBLIC INSTRUCTION
(SECONDARY) AND APPELLANT AUTHORITY,
NRUPATHUNGA ROAD,
BANGLORE-560001
3. THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTION,



MYSORE DISTRICT,
MYSORE - 570 007.

4. THE BLOCK EDUCATIONAL OFFICER,
T.NARSIPURA TALUK,
MYSORE DISTRICT - 571 124.

...RESPONDENTS

(BY SRI.M.P.SRIKANTH., ADVOCATE FOR R1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
20.09.2024 MADE IN WP No-10811/2012 PASSED BY THE
LEARNED SINGLE JUDGE OF THIS HONBLE COURT IN THE
INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M NADAF)

This intra Court appeal is by the petitioners in
W.P.No.10811/2012 under Section 4 of the Karnataka High
Court Act, 1961, challenging the order passed by the learned
Single Judge dated 20.09.2024.



2. The learned Single Judge under the impugned order while disposing of the Writ Petition, directed the Management to pay a sum of Rs.10,00,000/- to the Teacher towards salary that he would have earned.

3. The parties are referred to as per their ranking before the learned Single Judge.

4. On a short point, Sri.R.S.Ravi., learned Senior counsel appearing for briefing counsel for the petitioner submits that the Writ Court having rejected the Writ Petition filed by the Teacher ought not have directed the Management to pay a sum of Rs.10,00,000/- towards salary which the Teacher would have earned. The Teacher was not a permanent employee on the role of the Management. He was a casual employee and he was terminated from the service long back and he never worked. The litigation was fought for 23 long years. He made the management to approach the Court again and again and since the claims of the Teacher in other Writ petitions have been rejected, the



direction of the Writ Court is misplaced and sought to set-aside the order.

5. In contrast, Sri.M.P.Srikanth., learned counsel appearing for the Teacher submits that in the order of E.A.T No.8/1995, there is a finding against the Management that the Teacher was not appointed on temporary basis and therefore, he is a permanent employee of the Management. The Management must have conducted an inquiry in the manner known to law before terminating the services. The Writ Court observed that, the order of the Educational Appellate Tribunal ('the EAT' for short) setting aside the order of the Management relieving the teacher from service would amounts that, he was deemed to be in service. The reliefs of payment of other benefits which were not granted to the Teacher were on the ground that those reliefs were not sought in the appeal. The Writ Court on the principle of *Actus Curiae Neminem Gravabit* (an act of the Court shall prejudice no one), rightly held that once the EAT having set-aside the order of relieving the petitioner held that he is deemed to be in service and on the point that the reliefs



were not sought in the appeal, the Tribunal which is enjoined with the power under Section 96, ought to have considered granting of the aforesaid reliefs once having set at naught the order of relieving the Teacher. Further observed that taking the Teacher back into service from 31.12.2001 i.e., for the academic year 2001-02 on temporary basis, should be construed as an act of reinstatement into service and held that that Teacher who has worked for several years is entitled for salary which he would have earned and granted the relief which does not call for any interference at the hands of this Court and sought to dismiss the appeal.

6. Having heard the rival submissions, we have perused the entire appeal paper.

7. The Writ Court at Paragraphs 22 and 23 discussed the point on reinstatement as well as non-payment of salary for the period the petitioner worked. However considering the fact that the Teacher has slept over his right for seeking immediate relief, directed an amount of Rs.10,00,000/- to be paid towards loss of wages to the Teacher from the date he



was relieved from service and till the date of his superannuation. It is an admitted fact that the Teacher is now superannuated. The reasons stated at Paragraphs 22 and 23 are extracted as under:

"22. It is now well settled that the parties to a lis cannot be put to jeopardy due to a mistake of the Court and Courts should not hesitate to undo the wrong at any stage of the proceeding. When once the order dated 10.04.1995 passed by the Management relieving the services of the aggrieved Teacher was set aside by the Tribunal in EAT No.8/1995, as a logical consequence he was deemed to be in service. The reason for not granting the reliefs by the Tribunal was that the aggrieved Teacher did not claim them. It was not that there were any circumstances that militated against automatic reinstatement of the aggrieved Teacher. Having said that, it was incumbent upon the aggrieved Teacher to challenge the order dated 03.04.2001 passed in E.A.T No.8/1995 to obviate the consequences of the order. The Management too did not challenge the finding recorded by the Tribunal that the aggrieved Teacher was not appointed on temporary basis and therefore, before relieving him from service, must have conducted an enquiry in the manner known to law. The Tribunal is conferred with power under Section 96 of the Karnataka Education Act, 1983 to grant the aforesaid reliefs after the order relieving the aggrieved Teacher was set at naught. Therefore, the act on the part of the Management in taking the aggrieved Teacher back into service from 31.12.2001 for the academic year 2001-02 on temporary basis should be construed as an act of reinstatement into service. Since there is nothing on record to establish that the appointment of the aggrieved Teacher was approved by the State Government or that his appointment was admitted to salary grant and since he has not



worked from the year 2010 and has since attained the age of superannuation, the only relief that can be granted to the aggrieved Teacher is, to compensate him in terms of money, taking into account his loss of opportunity etc.

23. Having regard to the fact that the aggrieved Teacher has slept over his rights and also having regard to the fact that the Management has not challenged the order dated 03.04.2001 passed by the Tribunal in E.A.T No.8/1995, the only relief that can be granted to the aggrieved Teacher in these proceedings, is to direct the Management to pay a lumpsum amount of Rs.10,00,000/- (Rupees Ten Lakhs only) towards the loss of wages of the petitioner from the date he was relieved from service and till the date of his superannuation. Therefore, it is unnecessary to go into the question whether the order dated 12.02.2008 passed by this Court in W.P. No.22560/2005 and the order dated 28.05.2014 passed by respondent No.3 in W.P. No.28495/2014, in Review Petition No.1/2012 should be reviewed. In the same vein, since the Management did not challenge the order dated 03.04.2001 passed by the Tribunal in E.A.T No.8/1995, but reinstated the petitioner into service, which is construed by this Court in this writ petition as an act of reinstatement, restoring the status quo ante prior to 10.04.1995, no relief can be granted to the Management. Since the aggrieved Teacher has attained the age of superannuation, he is not entitled to challenge the order dated 02.09.2014 passed by the respondent No.1 - State concerning appointment or approval of appointment of respondent No.7 in W.P. No.57103/2014."

8. The Writ Court though found that the order of the relieving which has been set-aside by the order of the Tribunal in a legal consequences amounts to petitioner deemed to be in service, however found that the salary



which ought to have been ordered is not ordered by the Tribunal on the premise that such relief was not sought in the appeal and ordered for payment of amount of Rs.10,00,000/- towards the salary which he would have earned. The fact remain that the Teacher was not diligent in prosecuting his remedy. Having considered the same and the long legal battle between the Management and the Teacher, which made the parties to appear again and again before the Court of law, the Writ Court ought to have ordered reasonable amount which in our considered opinion would be Rs.7,00,000/- instead of Rs.10,00,000/-.

9. Though the learned counsel appearing for the Teacher tries to persuade us that the order passed by the Writ Court be maintained, however in view of the conduct of the Teacher in approaching the Court belatedly and because of his action which made both the parties to run around the Courts, we deem it appropriate to reduce the amount directed from Rs.10,00,000/- to Rs.7,00,000/- which would meet the ends of justice. Accordingly, the appeal is ***allowed in part.***



10. The direction issued in W.P.No.10811/2012 by the Writ Court is modified directing the Management to pay a sum of Rs.7,00,000/- towards salary and other benefits to the Teacher along with interest @ 6% per annum from the date of order passed by the Writ Court, within 2 months from the date of receipt of certified copy of this order, lest the interest would be @ 12% per annum in the place of 6% per annum.

11. Pending interlocutory applications, if any, does not survive for consideration and the same is disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 2 Sl No.: 13