



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**WRIT APPEAL NO. 49 OF 2020 (S-RES)**

**C/W**

**WRIT APPEAL NO. 781 OF 2019 (S-RES),**

**WRIT PETITION NO. 75331 OF 2013 (S-RES)**

**IN W.A. No.49/2020**

**BETWEEN:**

MALLIKA.K.P,  
S/O. K.M.PURADAPPA,  
AGED ABOUT 47 YEARS,  
WORKING AS LECTURER,  
B.L.R. PU COLLEGE, SIRIGERE,  
CHITRADURGA DISTRICT-577 541,  
R/O KAGGI VILLAGE, MUGALIHALLI POST,  
CHANNAGIRI TALUK,  
DAVANAGERE DISTRICT-577 213,  
PRESENTLY WORKING AS SDA,  
HOYSALESHWARA FIRST GRADE COLLEGE,  
ARASIKERE HASSAN DISTRICT-573 103.

...APPELLANT

[BY SRI.BASAVARAJA PATEL G.K., ADVOCATE (ABSENT)]





**NC: 2026:KHC:20133-DB  
WA No. 49 of 2020  
C/W WA No. 781 of 2019  
WP No. 75331 of 2013**

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY ITS SECRETARY,  
(PRIMARY AND SECONDARY EDUCATION),  
DEPARTMENT OF EDUCATION,  
M S BUILDING, BANGALORE - 560 001.
2. THE SECRETARY  
DEPARTMENT OF PARLIAMENTARY  
AFFAIRS AND LEGISTATION,  
VIDHANA SOUDHA, BENGALURU - 560 001.
3. THE DIRECTOR  
DEPARTMENT OF VOCATIONAL EDUCATION,  
3<sup>RD</sup> FLOOR, MALLESWARAM,  
18<sup>TH</sup> CROSS, BENGALURU-560 012.
4. N.K. RAVI SHANKAR  
S/O. KALAIHA T  
AGED ABOUT 56 YEARS  
WORKING AS LECTURER  
SREEGANDHADA KAVAL P.U. COLLEGE  
MAGADI ROAD, KOTTIGEPALYA  
BENGALURU - 560 091  
R/O. 284/A, 37<sup>TH</sup> A CROSS  
JAYANAGAR, 8<sup>TH</sup> BLOCK  
NEAR JSS COLLEGE  
BENGALURU - 560 082
5. VIVEKANAND NARAYAN NAIK  
S/O. NARAYAN NAIK  
AGED ABOUT 56 YEARS  
WORKING AS LECTURER  
SHIVAJI COMPOSITE JUNIOR COLLEGE  
CHITTAKOLE, KARWAR  
R/O. 738/1, VINAYAKA VIHAR  
KENCHA ROAD, KARWARA  
UTTARA KANNADA - 581 301



**NC: 2026:KHC:20133-DB  
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C/W WA No. 781 of 2019  
WP No. 75331 of 2013**

6. SRINIVASA T  
S/O. THIMAPPA  
AGED ABOUT 49 YEARS  
WORKING AS WORKER TEACHER  
SKJC COLLEGE, MAGADI ROAD  
KOTTIGEPALYA, BENGALURU - 560 091  
R/O. NO.19, 5<sup>TH</sup> CROSS  
3<sup>RD</sup> MAIN, KOTTIGEPALYA  
BENGALURU - 560 091
  
7. NAGARAJA D.S.  
S/O. SHANKARAPPA  
AGED ABOUT 40 YEARS  
WORKING AS LECTURER  
BASAVESHWARA PU COLLEGE  
TIPTUR, TUMKUR DISTRICT  
R/O RAMANNA BUILDING  
2<sup>ND</sup> CROSS, VIDYA NAGAR  
HASSAN CIRCLE, TIPTUR  
TUMKUR DISTRICT - 572 117
  
8. SHAILESH J RAO B  
S/O. LATE JANAKINATH RAO  
AGED ABOUT 42 YEARS  
WORKING AS WORKER TEACHER  
VIVEKANANDA POLYTECHNIC COLLEGE  
NEHRU NAGAR, PUTTUR - 574 201  
R/O. NO.319, BARKAST COMPOUND  
BEHIND GOVT. HOSPITAL, THENKILA, PUTTUR  
KASABA, PUTTUR - 574 201
  
9. MALLIKARJUNA SWAMY M  
S/O. K MALLANNA  
AGED ABOUT 44 YEARS  
WORKING AS LECTURER, SS PU COLLEGE  
BELAKAVADI, MALAVALLI MANDYA  
R/O. MADAVADI BELAKAVADI POST  
T.N. PURA TALUK  
MYSORE DISTRICT - 571 417



10. NARAYANA BANNINTHAYA  
S/O. K V BANNINTHAYA  
AGED ABOUT 49 YEARS  
WORKING AS LECTURER  
VIVEKANANDA POLYTECHNIC COLLEGE  
NEHRU NAGAR, PUTTUR – 574 201  
R/O. PUNACHA HOUSE POST  
PUNACHA, BANTWAL TALUK  
SOUTH CANARA – 574 243
11. RAMA PRASADA K  
S/O. ISHWARA BHAT K  
AGED ABOUT 38 YEARS  
WORKING AS LECTURER  
VIVEKANANDA POLYTECHNIC COLLEGE  
NEHRU NAGAR, PUTTUR – 574 201  
R/O VADWA HOUSE, ALIKE POST,  
BANTWAL TALUK, SOUTH CANARA – 574 235
12. PRABHAKARA BALLAL K  
S/O. MADHAVA BALLAL K  
AGED ABOUT 44 YEARS  
WORKING AS LECTURER  
VIVEKANANDA POLYTECHNIC COLLEGE  
NEHRU NAGAR, PUTTUR – 574201  
R/O. I-342, KSK COMPOUND  
NEHRU NAGAR, BANTWAL TALUK  
SOUTH CANARA – 574 203
13. BASAVARAJA K  
S/O. KARIYAPPA  
AGED ABOUT 52 YEARS  
WORKING AS LECTURER  
BES P.U COLLEGE  
JAYANAGAR 4<sup>TH</sup> BLOCK  
BENGALURU – 560 011  
R/O. 1471, PILLAGANAHALLY  
B.G. ROAD, GOTTIGERE POST  
BENGALURU – 560 083



14. NARAYANA GOWDA A.S  
S/O. SINGRI GOWDA  
AGED ABOUT 49 YEARS  
WORKING AS WORKER TEACHER  
BES P.U COLLEGE  
JAYANAGAR 4<sup>TH</sup> BLOCK, BENGALURU - 11
  
15. RAMAMURTHY C.S  
S/O. LATE SINGACHAR  
AGED ABOUT 53 YEARS  
WORKING AS LECTURER  
SARWAJANIKA PU COLLEGE  
CHANNAPATNA, RAMANAGARA DISTRICT  
R/O.128, YELEKERI CHANNAPATNA  
RAMANAGARA DISTRICT - 562 159
  
16. YEKANTHAPPA M R  
S/O M S RAMALINGAPPA  
AGED ABOUT 48 YEARS  
WORKING AS LECTURER  
S.C.K.S. PU COLLEGE  
MADHURE POST, HOSADURGA TALUK  
CHITRADURGA DISTRICT - 577 527
  
17. YOGAMURTHY G  
S/O. G.T. JARUGAPPA  
AGED ABOUT 50 YEARS  
WORKING AS LECTURER  
S.G.R. PU COLLEGE  
KOTE, HOSADURGA TOWN  
CHITRADURGA  
R/O BAGUR POST  
HOSADURGA TALUK  
CHITRADURGA DISTRICT - 577 515
  
18. MARUTHI B.H.  
S/O. HANUMANTHAPPA B.K.  
AGED ABOUT 49 YEARS



WORKING AS LECTURER  
S.C.K.S. PU COLLEGE  
MADHURE POST, HOSADURGA TALUK  
CHITRADURGA DISTRICT - 577 527  
R/O SREE MARUTHI NIVASA  
VINAYAKA EXTENTION  
HOSADURGA  
CHITRADURGA DISTRICT - 577 527

19. NAGABHUSHANA  
S/O. ADINARAYANAPPA  
AGED ABOUT 49 YEARS  
WORKING AS LECTURER  
S.L.K.H.R. PU COLLEGE  
NARAYANAPURA CHALLAKERE TALUK  
CHITRADURGA DISTRICT  
R/O HARIYABBE POST  
HIRIYUR TALUK  
CHITRADURGA DISTRICT - 577 546
20. SADASHIVA K S  
S/O. SHANKARAPPA  
AGED ABOUT 50 YEARS  
WORKING AS LECTURER  
S.A.P. PU COLLEGE  
THALYA, HOLALKRE TALUK  
CHITRADURGA DISTRICT - 577 527  
R/O THALYA, HOLALKRE TALUK  
CHITRADURGA DISTRICT - 577 527
21. PUTTAPPA G  
S/O. GADIYAPPA  
AGED ABOUT 47 YEARS  
WORKING AS LECTURER  
S.M.C. PU COLLEGE  
CHITRADURGA DISTRICT - 577 527  
R/O. GADIYANAPPANAHATTY  
MADADAKERE POST, HOSADURGA TALUK  
CHITRADURGA DISTRICT - 577 527



22. SRINIVASA K  
S/O. LATE KESHAVAN K  
AGED ABOUT 50 YEARS  
WORKING AS LECTURER  
S.M.C. PU COLLEGE  
MADADAKERE POST  
HOSADURGA TALUK  
CHITRADURGA DISTRICT – 577 527  
R/O. LAVANYA NILAYA  
KALLESWARA BADAVANE  
HOSADURGA – 577 527
23. PUSHPA S. AIGAL  
W/O. RAJESH R. NAIK  
AGED 49 YEARS  
WORKING AS LECTURER  
B.G.V.S. COLLEGE  
SADASHIVGUD, KARWAR  
R/AT NO.4, "SAI LEELA"  
GAONGRI VILLAGE MAJALI  
KARWAR – 581 345
24. SMITHA V  
D/O. V MANAPPA SHETTY  
AGED ABOUT 38 YEARS  
WORKING AS COMPUTER LECTURER  
VIVEKANANDA PU COLLEGE  
PUTTUR – 574 201  
R/O. GANESH KRIPA  
DEVASYA BAIL  
VITTAL, SOUTH CANARA – 574 203
25. SUMANA K  
W/O. CHANDASHEKARA NAIRY  
AGED ABOUT 46 YEARS  
WORKING AS COMPUTER TECHNICAL LECTURER  
NATIONAL PU COLLEGE  
BARKAR, UDUPI  
R/O SUPRATA AGRAHAR



**NC: 2026:KHC:20133-DB  
WA No. 49 of 2020  
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WP No. 75331 of 2013**

CHANTHAR VILLAGE  
BRAHNAVAR POST  
UDUPI DISTRICT – 576 210

...RESPONDENTS

[BY SMT. PRATHIBHA R.K., AGA FOR R1 TO R3;  
V/C/O DTD.02/03/2023, NOTICE TO R4 TO R25 IS  
DISPENSED WITH]

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO (I) PERUSE THE SAME AND SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE INsofar AS APPELLANT IS CONCERNED AS ERRONEOUS AND LEGALLY NOT TENABLE; (II) ALLOW THE W.P NO.11678-11700/2013 (S-RES), ORDER DATED 02/11/2018 AND CONNECTED MATTERS, AND GRANT THE PRAYER SOUGHT FOR IN THE PETITION WITH ALL CONSEQUENTIAL BENEFITS, IN SO FAR AS APPELLANT IS CONCERNED; (III) PASS SUCH OTHER ORDER OR ORDERS.

**IN W.A. NO.781/2019**

**BETWEEN:**

RAMA PRASADA K  
S/O ISHWARA BHAT K.,  
AGED ABOUT 44 YEARS,  
WORKING AS LECTURER,  
VIVEKANANDA POLYTECHNIC COLLEGE,  
NEHRU NAGAR, PUTTUR - 574 201.  
R/O VADWA HOUSE, ALIKE POST,  
BANTWAL TALUK,  
SOUTH CANARA - 574 235.

...APPELLANT

(BY SRI. GOVINDRAJ K. JOISA, AVOCATE FOR  
SRI. RAJESH SHETTIGAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY ITS SECRETARY,  
(PRIMARY AND SECONDARY EDUCATION),



**NC: 2026:KHC:20133-DB**  
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**WP No. 75331 of 2013**

DEPARTMENT OF EDUCATION,  
M.S. BUILDING,  
BANGALORE-560 001.

2. THE SECRETARY,  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
AND LEGISLATION,  
VIDHANA SOUDHA,  
BANGALORE-560 001.
3. THE DIRECTOR,  
DEPARTMENT OF VOCATIONAL EDUCATION,  
3<sup>RD</sup> FLOOR, MALLESWARAM,  
18<sup>TH</sup> CROSS, BANGALORE-560 012.
4. N.K.RAVI SHANKAR,  
S/O KALAI AH T.,  
AGED ABOUT 55 YEARS,  
WORKING AS LECTURER,  
SREEGANDHADA KAVAL PU COLLEGE,  
MAGADI ROAD, KOTTIGEPALYA,  
BANGALORE-91,  
R/O 284/A, 37<sup>TH</sup> A CROSS,  
JAYANAGAR 8<sup>TH</sup> BLOCK,  
NEAR JSS COLLEGE,  
BANGALORE-82.
5. VIVEKANAND NARAYAN NAIK,  
S/O NARAYAN NAIK,  
AGED ABOUT 55 YEARS,  
WORKING AS LECTURER,  
SHIVAJI COMPOSITE JUNIOR COLLEGE,  
CHITTAKOLE, KARWAR,  
R/O. 738/1, VINAYAKA VIHAR,  
KENCHA ROAD, KARWARA,  
UTTARA KANNADA-581 301.
6. SRINIVASA T  
S/O THIMAPPA



**NC: 2026:KHC:20133-DB  
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AGED ABOUT 48 YEARS,  
WORKING AS WORKER TEACHER,  
SKJC COLLEGE, MAGADI ROAD,  
KOTTIGEPALYA, BANGALORE-91  
R/O NO.19, 5<sup>TH</sup> CROSS,  
3<sup>RD</sup> MAIN, KOTTIGEPALYA,  
BANGALORE-91.

7. NAGARAJA.D.S,  
S/O SHANKARAPPA,  
AGED ABOUT 46 YEARS,  
WORKING AS LECTURER,  
BASAVESHWARA PU COLLEGE,  
TIPTUR, TUMKUR DISTRICT,  
R/O RAMANNA BUILDING,  
2<sup>ND</sup> CROSS, VIDYA NAGAR,  
HASSAN CIRCLE, TIPTUR,  
TUMKUR DISTRICT.
8. SHAILESH J RAO B.,  
S/O LATE JANAKINATH RAO,  
AGED ABOUT 48 YEARS,  
WORKING AS WORKER TEACHER,  
VIVEKANANDA POLYTECHNIC COLLEGE,  
NEHRU NAGAR, PUTTUR-574 201.  
R/O NO.319, BARKAST COMPOUND,  
BEHIND GOVT. HOSPITAL,  
THENKILA, PUTTUR, KASABA,  
PUTTUR - 574 201.
9. MALLIKARJUNA SWAMY.M,  
S/O K. MALLANNA,  
AGED ABOUT 50 YEARS,  
WORKING AS LECTURER,  
SS PU COLLEGE, BELAKAVADI,  
MALAVALLI, MANDYA,  
R/O MADAVADI BELAKAVADI POST,  
T.N. PURA TALUK,  
MYSORE DISTRICT-571 417.



10. NARAYANA BANNINTHAYA,  
S/O B.V.BANNINTHAYA,  
AGED ABOUT 48 YEARS,  
WORKING AS LECTURER,  
VIVEKANANDA POLYTECHNIC COLLEGE,  
NEHRU NAGAR,  
PUTTUR-574 201,  
R/O PUNACHA HOUSE POST,  
PUNACHA, BANTWAL TALUK,  
SOUTH CANARA-574 243.
11. PRABHAKARA BALLAL K,  
S/O MADHAVA BALLAL K,  
AGED ABOUT 50 YEARS,  
WORKING AS LECTURER,  
VIVEKANANDA POLYTECHNIC COLLEGE,  
NEHRU NAGAR, PUTTUR-574 201.  
R/O I-342, KSK COMPOUND,  
NEHRU NAGAR, BANTWAL TALUK,  
SOUTH CANARA-574 203.
12. BASAVARAJA K,  
S/O KARIYAPPA,  
AGED ABOUT 58 YEARS,  
WORKING AS LECTURER,  
BES PU COLLEGE,  
JAYANAGAR 4<sup>TH</sup> BLOCK,  
BANGALORE-11,  
R/O. 1471, PILLAGANAHALLY,  
B.G.ROAD, GOTTIGERE POST,  
BANGALORE-83.
13. NARAYANA GOWDA.A.S,  
S/O SINGRI GOWDA,  
AGED ABOUT 55 YEARS,  
WORKING AS WORKER TEACHER,  
BES PU COLLEGE,  
JAYANAGAR 4<sup>TH</sup> BLOCK,



**NC: 2026:KHC:20133-DB  
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BANGALORE-11.  
R/O 82, SARAKKI VILLAGE,  
L.P.NAGRA, 1<sup>ST</sup> PHASE,  
SUBBAMMA CIRCLE,  
BANGALORE-78.

14. RAMAMURTHY C.S.,  
S/O LATE SINGACHAR,  
AGED ABOUT 52 YEARS,  
WORKING AS LECTURER,  
SARWAJANIKA PU COLLEGE,  
CHANNAPATNA,  
RAMANAGARA DISTRICT,  
R/O.128, YELEKERI,  
CHANNAPATNA,  
RAMANAGARA DISTRICT.
15. YEKANTHAPPA M.R.,  
S/O M.S.RAMALINGAPPA,  
AGED ABOUT 47 YEARS,  
WORKING AS LECTURER,  
S.C.K.S PU COLLEGE,  
MADHURE POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527,  
R/O MADHURE POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527.
16. YOGAMURTHY.G,  
S/O G.T.JARUGAPPA,  
AGED ABOUT 49 YEARS,  
WORKING AS LECTURER,  
S.G.R. PU COLLEGE,  
KOTE, HOSADURGA TOWN,  
CHITRADURGA,  
R/O BAGUR POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 515.



**NC: 2026:KHC:20133-DB**  
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**C/W WA No. 781 of 2019**  
**WP No. 75331 of 2013**

17. MARUTHI.B.H,  
S/O HANUMANTHAPPA.B.K,  
AGED ABOUT 48 YEARS,  
WORKING AS LECTURER,  
S.C.K.S PU COLLEGE,  
MADHURE POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527,  
R/O SREE MARUTHI NIVASA,  
VINAYAKA EXTENSION,  
HOSADURGA,  
CHITRADURGA DISTRICT-577 527.
  
18. NAGABHUSHANA  
S/O ADINARAYANAPPA,  
AGED ABOUT 48 YEARS,  
WORKING AS LECTURER,  
S.L.K.H.R. PU COLLEGE,  
NARAYANAPURA, CHALLAKERE TALUK,  
CHITRADURGA DISTRICT,  
R/O HARIYABBE POST,  
HIRIYUR TALUK,  
CHITRADURGA DISTRICT-577 546.
  
19. SADASHIVA.K.S,  
S/O SHANKARAPPA,  
AGED ABOUT 49 YEARS,  
WORKING AS LECTURER,  
S.A.P PU COLLEGE,  
R/O THALYA, HOLALKERE TALUK,  
CHITRADURGA DISTRICT-577 527.
  
20. MALLIKA K.P  
S/O K.M.PURADAPPA,  
AGED ABOUT 46 YEARS,  
WORKING AS LECTURER,  
B.L.R. PU COLLEGE,  
SIRIGERE,  
CHITRADURGA DISTRICT-577 541,



**NC: 2026:KHC:20133-DB**  
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**C/W WA No. 781 of 2019**  
**WP No. 75331 of 2013**

R/O KAGGI VILLAGE,  
MUGALIHALLI POST,  
CHANNAGIRI TALUK,  
DAVANAGERE DISTRICT-577 213.

21. PUTTAPPA G  
S/O GADIYAPPA,  
AGED ABOUT 46 YEARS,  
WORKING AS LECTURER,  
S.M.C. PU COLLEGE,  
MADADAKERE POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527,  
R/O GADIYANAPPANAHATTY,  
MADADAKERE POST, HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527.
22. SRINIVASA K  
S/O LATE KESHAVAN K.,  
AGED ABOUT 49 YEARS,  
WORKING AS LECTURER,  
S.M.C. PU COLLEGE, MADADAKERE POST,  
HOSADURGA TALUK,  
CHITRADURGA DISTRICT-577 527,  
R/O LAVANYA NILAYA,  
KALLESWARA BADAVANE,  
HOSADURGA-577 527.
23. PUSHPA S. AIGAL,  
W/O RAJESH R. NAIK,  
AGED ABOUT 48 YEARS,  
WORKING AS LECTURER,  
B.G.V.S. COLLEGE,  
SADASHIVGUD, KARWAR,  
R/O NO.4, "SAI LEELA",  
GAONGRI VILLAGE,  
MAJALI, KARWAR-581 345.



**NC: 2026:KHC:20133-DB  
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C/W WA No. 781 of 2019  
WP No. 75331 of 2013**

24. SMITHA V.,  
D/O V.MANAPPA SHETTY,  
AGED ABOUT 37 YEARS,  
WORKING AS COMPUTER LECTURER,  
VIVEKANANDA PU COLLEGE,  
PUTTUR-574 201,  
R/O GANESH KRIPA,  
DEVASYA BAIL, VITTAL,  
SOUTH CANARA - 574 203.

25. SUMANA K  
W/O CHANDRASHEKARA NAIRY,  
AGED ABOUT 45 YEARS,  
WORKING AS COMPUTER  
TECHNICAL LECTURER,  
NATIONAL PU COLLEGE,  
BARKUR, UDUPI,  
R/O SUPRATA AGRAHAR  
CHANTHAR VILLAGE,  
BRAHNAVAR POAT,  
UDUPI DISTRICT-576 210.

...RESPONDENTS

(BY SMT.PRATHIBHA.R.K., AGA FOR R1 TO R3,  
V/C/O DTD.16/01/2026 NOTICE TO R4 TO R25  
IS DISPENSED WITH)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH  
COURT ACT, PRAYING TO ALLOW THIS APPEAL IN W.P NOS.11678-  
11700/2013 AND REVERSE THE IMPUGNED JUDGEMENT DATED  
02/11/2018 PASSED BY THE LEARNED SINGLE JUDGE.

**IN W.P. NO.75331/2013**

**BETWEEN:**

1. MALATESH S/O. MALLESHAPPA  
(SINCE DEAD BY HIS LR)



**NC: 2026:KHC:20133-DB**  
**WA No. 49 of 2020**  
**C/W WA No. 781 of 2019**  
**WP No. 75331 of 2013**

- 1.(a). MS. YASHASWINI MALATESH ANVERI,  
D/O LATE MALATESH,  
AGED ABOUT 20 YEARS  
R/AT BASAVESHWARA NAGAR,  
HOUNSABHAVI ROAD, BYADAGI,  
HAVERI - 581 106.
  
2. BAPU  
S/O MAHADEVAPPA TANDALE,  
AGED ABOUT 45 YEARS,  
OCC: LECTURER  
R/O. RUTUMBARA NILAYA,  
1<sup>ST</sup> CROSS, MANJUNATH NAGAR  
HAVERI - 581 110.
  
3. S.M. JYOTHIRLINGAMURTHY  
S/O M. HEMAGIRIMURTHY  
AGED ABOUT 43 YEARS,  
OCC: LECTURER,  
R/O. SHIVARADHYA NILAYA,  
BEHIND L.B. EXTENSION,  
KOTTUR,  
BELLARY-583 134.
  
4. PRABHULINGASWAMI  
S/O SHANKARAYYA HIREMATH,  
AGED ABOUT 45 YEARS,  
OCC: LECTURER,  
R/O. DOOR NO.10/C,  
NEAR TARAKESHWARA TEMPLE,  
GUDIKERI, HANGAL,  
HAVERI-581 104.
  
5. NIJALINGAPPA  
S/O NAGAPPA HADAPAD,  
AGED ABOUT 44 YEARS,  
OCC: LECTURER,  
R/O. MATOSHREE NILAYA,



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MAILARLINGANAGARA,  
KALAGHAAGI ROAD,  
ATTIKOLLA, DHARWAD-580 002.

6. SHIDDALINGESH,  
S/O. CHANNAPPA NASHI,  
AGED ABOUT 44 YEARS,  
OCC: LECTURER,  
R/O. NEAR GUDI HOSPITAL,  
HAVERI-581 110.
7. PRAKASH  
S/O.CHANNABASAPPA MASANGI,  
AGED ABOUT 39 YEARS,  
OCC: LECTURER  
R/O. N.O.NAYAK,  
GANDHI NAGAR, KALAGHATAGI,  
DHARWAD.
8. VIJAYENDRA  
S/O. JAGANNATHRAO RITI,  
AGED ABOUT 45 YEARS,  
OCC: LECTURER,  
R/O. NEAR RAJANI TALKIES,  
HOSPET ONI, HANAGAL,  
HAVERI.

...PETITIONERS

(BY SRI.GOVINDRAJ K JOISA., ADVOCATE FOR  
SRI.RAJESHA SHETTIGAR, ADVOCATE)

**AND:**

1. THE DIRECTOR  
DEPARTMENT OF VOCATIONAL EDUCATION,  
III FLOOR, PRE-UNIVERSITY BOARD,  
MALLESHWARAM,  
BANGALORE-1.



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2. THE SECRETARY,  
MINISTRY OF PRIMARY AND  
SECONDARY EDUCATION,  
VIMS BUILDING,  
BANGALORE.
3. THE CHIEF SECRETARY,  
GOVERNMENT OF KARNATAKA,  
VIDHAN SOUDHA,  
BANGALORE.
4. THE COMMISSIONER,  
DEPARTMENT OF PUBLIC  
INSTRUCTION,  
NEAR K.R.CIRCLE,  
BANGALORE.
5. THE SECRETARY,  
DEPT. OF LAW AND PARLIAMENTARY  
AFFAIRS, VIDHAN SOUDHA,  
BANGALORE.

...RESPONDENTS

(BY SMT. PRATHIBHA R.K., AGA FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA PART TIME VOCATIONAL EMPLOYEES (ABSORPTION) ACT, 2011 PASSED ON 06.04.2011 PASSED BY RESPONDENT NO.5 (ANNEXURE-B) AND THE GOVERNMENT ORDER DATED 27.12.2012 PASSED BY THE RESPONDENT NO.2 (ANNEXURE-A) ARBITRARY, UNCONSTITUTIONAL AND VIOLATIVE OF ARTICLE 14 OF THE CONSTITUTION AND TO QUASH THE SAME I.E. (ANNEXURES-A AND B) AND ETC.

WRIT APPEALS AND WRIT PETITION, COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI  
and  
HON'BLE MR. JUSTICE RAJESH RAI K



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## **ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

W.A.No.49/2020 and W.A.No.781/2019 are filed by the unsuccessful petitioners in W.P.Nos.11678-11700/2013 (S-RES) which was filed before the learned Single Judge with the prayer to declare the posting of the petitioners to the post of SDA/FDA as being violative of Articles 14, 16 and 21 of the Constitution of India and the provisions of Karnataka Education Act, 1983. Further claim is made for absorption of the petitioners with reference to their qualification and for treating them at par with the Government Lecturers of Job-Oriented Courses absorbed under the Karnataka Act No.22/2011 and to give them posting as lecturers or any other technical posts commensurate with their qualification.

2. By means of the impugned judgment dated 02.11.2018, the writ petitions have been dismissed.

3. Heard Sri. Govindraj K. Joisa, learned counsel appearing for the appellant/petitioners in W.A.No.781/2019 and W.P.No.75331/2013 and Smt. Prathibha R.K., learned AGA



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appearing for respondent Nos.1 to 3 in W.A.Nos.49/2020 and 781/2019 and respondent Nos.1 to 5 in W.P.No.75331/2013.

4. The contention of learned Counsel for the appellants is that they have requisite qualifications for absorption in Government College/Institution. However, the Government classifying the teaching and non-teaching staff at Government and the government aided institutions for the purpose of absorption, is arbitrary, ultra vires and violative of Articles 14 and 16(1) of the Constitution of India.

5. The petitioners were posted in various pre-university colleges in the State of Karnataka as part time Job Oriented Course employees. Since the decision was taken to abolish the job-oriented courses (JOC), it was decided that in order to take care of the petitioners who were working in various institutions were over-age for the purpose of new appointments, for both Government and Government-Aided Institutions, Rules would be framed. Accordingly, "Karnataka Part Time Job Oriented Course Employees Absorption Ordinance, 2011" was promulgated on 06.04.2011 which was later enacted.



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6. The inaction on part of the Government in not absorbing the lecturers who were working in Aided Private Colleges is stated to be arbitrary and a direction is sought to absorb the petitioners working in Aided Private Colleges into the government owned institutions.

7. Pursuant to an observation made yesterday by the Court, learned AGA has produced the English version of the Karnataka Part-Time Job Oriented Course (JOC) Employees Absorption Act, 2011.

8. By the impugned judgment, the learned Single Judge considered the classification of JOC lecturers as Private Aided and Government, corresponding to the institutions in which they were working. After considering several judgments of the Supreme Court, it was observed that when an individual has got a right then it shall be the duty of the State not to discriminate otherwise those rights get infringed and violation of Article 14 of the Constitution of India occurs. But in circumstances where privileges are conferred by State by way of policy decisions after keeping in mind the guidelines of the Supreme Court, then no discrimination would occur.



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Accordingly, it was held that the petitioners who are working in private Aided Institutions and the lecturers working in Government Institutions would constitute different classes. It was observed, and in our view correctly so, that where a person claims that for all purposes they constitute a single class, it is the burden on him to prove it. The JOC have been discontinued by the State, but being a welfare State, decision was taken to absorb the persons who have crossed a particular age. Therefore, the ordinance was made which was, later, enacted.

9. We have perused the Act and we find that the Act itself has classified employees of the working in Government Institutions and Government aided/private Institutions and therefore there cannot be any discrimination. It is observed by the learned Judge as follows:

*"7..... As per the scheme, the lecturers who are working in the Government institutions, if they have to be absorbed in the Government Institutions only, and in case of non-availability of any post, then to be absorbed in the Government Departments. Similarly, the persons working in private institutions or the private aided institutions, they have to be absorbed in the like institutions itself, and if for want of post, they could be accommodated by absorption in other aided institutions. In the wake of this, when these two arrangements have been made in the scheme itself, that will not attract any violation of the*



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*provisions of the Constitution. While formulating the schemes for absorption, there may be circumstances of deviation from equal treatment. That itself cannot be focused for the purpose of equality class."*

.....

*15. In the light of the above judgment, the instant petitions are examined and it is found that the petitioners where they are working are the institutions and organizations, which are entirely different from the lecturers working in the Government institutions. The applicability of the selection, appointing authority, appellate authority and the statute itself are entirely different and the same cannot be made applicable and applied to the persons who are working for the Government. Under the circumstance, the stand taken by the petitioners that they are possessing the same qualification and are teaching the similar subject and shall not be discriminated for extension of benefit under Annexure-G cannot be accepted. The respondents are justified in making classification, which is just and in compliance of Article 14 of the Constitution of India. Under no stretch of imagination the petitioners can claim them to be treated on par with the lecturers who are working in the Government institutions. The judgments referred above would clearly hold that "the persons employed in the aided institutions were employed in the respective institutions run by those institutions are not the employees of the government." In this case also, the petitioners are the employees of the Institutions in which they are working and were appointed by the respective institutions and hence they cannot claim that they should be treated on par with the lecturers working in the Government colleges."*

10. In view of the aforesaid, we find that the petitioners and the appellants have stated to have worked in Institutions that were Government-aided and not in Government Institutions. They are not entitled to be absorbed in



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Government Institutions. The Judgment of the learned Single Judge is based on sound Constitutional Principles and is accordingly upheld. These Writ Appeals and the aforesaid Writ Petition are, therefore, dismissed.

**Sd/-  
(JAYANT BANERJI)  
JUDGE**

**Sd/-  
(RAJESH RAI K)  
JUDGE**

KG  
List No.: 2 SI No.: 1