



CNR: KAHC010066382018

NC: 2026:KHC:42940-DB
WA No. 1355 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026
PRESENT
THE HON'BLE MR. JUSTICE D K SINGH
AND
THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN
WRIT APPEAL NO. 1355 OF 2018 (S-RES)

BETWEEN:

SRI. K P SIDDARAME GOWDA,
S/O LATE K PUTTASIDDEGOWDA,
AGED ABOUT 57 YEARS
R/AT NO.185, "RAGHAVENDRA NILAYA",
3RD CROSS, CMC LAYOUT,
BESIDES AMBEDKAR NAGARA,
CHANNAPATNA TOWN,
RAMANAGARA DISTRICT 571 511.
AT PRESENTLY WORKING AS PRINCIPAL OF
SMT. ANASUYAMMA NANJAPA
PRE-UNIVERSITY COLLEGE,
KENGAL, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT 571 511.

...APPELLANT

(BY SRI. M P SRIKANTH., ADVOCATE FOR
SRI. M S PARTHASARATHI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO GOVERNMENT,
PRIMARY AND SECONDARY EDUCATION,
M S BUILDING, DR AMBEDKAR VEEDHI,
BANGALORE 560 001.
2. THE COMMISSIONER,
PRE-UNIVERSITY EDUCATION DEPARTMENT,





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18TH CROSS, MALLESWARAM,
BANGALORE 560 003.

3. THE JOINT SECRETARY,
GOVERNMENT OF KARNATAKA AND
APPELLATE AUTHORITY,
M.S. BUILDING,
DR B R AMBEDKAR VEEDHI,
BANGALORE 560 001.
4. SRI HOMBE GOWDA EDUCATION TRUST,
NO.1120, 9TH CROSS, ASHOKNAGAR,
BANASHANAKARI I STAGE,
BANGALORE 560 085.
BY ITS SECRETARY.
5. SRI. VENKATESH RAJE URS
S/O LATE K V DASARAJE URS
AGED ABOUT 59 YEARS
PART TIME LECTURER IN GEOGRAPHY
SMT ANASUYAMMA NANJAPA
PRE UNIVERSITY COLLEGE,
KENGAL, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT 571 511.

...RESPONDENTS

(BY SRI. S H RAGHAVENDRA., AGA FOR R1 TO R3;
SRI. M NARAYANA BHAT., ADVOCATE FOR R4;
SRI. K B NARAYANA SWAMY., ADVOCATE FOR R5)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
20/4/2018 PASSED ON WP 47340/2012 BY THE HON'BLE HIGH
COURT, BANGALORE.

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



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CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has filed impugning the judgment and order passed by the Writ Court in W.P.No.47340/2012 dated 20.04.2018 instituted by respondent No. 5 herein in this appeal.

2. Parties are referred to as per their ranking before the Writ Court for the sake of convenience.

3. The petitioner has filed a Writ Petition questioning the order dated 10.10.2012 passed by the Joint Secretary, Government of Karnataka, appellate authority setting aside the three member committee report and directing the official respondent to approve the appointment of the appellant with grant in aid Principal of Smt. Anasuyamma Nanjappa Pre-University College, Kengal, Chennappattana Taluk along with other employees



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admitted in the grant in aid dated 29.11.2011 and disburse their salary.

4. It is undisputed that the petitioner-respondent No.5 and appellant had joined the said college on 20.07.1989, however, respondent No. 5 – the petitioner was senior in age to the appellant. The Government decided to provide grant in aid to the said pre-University college and admit the employees as mentioned in grant in aid for payment of salary from the Government. This grant in aid was approved on 29.11.2011. The petitioner's name was not mentioned in the grant in aid order. There was a dispute regarding the name of the petitioner and appellant herein for the post of the Principal of the said College. Therefore, no name was approved against the post of Principal of the said college.

5. The said dispute was referred to the three member committee by the State Government to resolve the dispute between the petitioner and the appellant



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herein. The three member committee was headed by the District Commissioner, Ramanagara District. The three member committee in its report dated 31.05.2011, stated that respondent No. 5 was senior to the appellant herein. The Government was requested to recommend the name of respondent No. 5 as Principal of the said college.

6. Being aggrieved by said recommendation petitioner came before this Court in W.P.No.22677/2011 challenging the three member committee report dated 31.05.2011. The Writ Court vide order dated 25.01.2012 disposed of the said Writ Petition directing the Joint Secretary and respondent No. 3 to consider the grievance of the petitioner and grievance of the appellant in accordance with law and take appropriate decision after providing an opportunity to the appellant herein and take appropriate decision on recommendation made in the three member committee report.



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7. The third respondent by the order dated 10.10.2012, directed the concerned authorities to take the appellant herein with grant in aid as Principal of Smt. Anasuyamma Nanjappa Pre-University College, Kengal, Channapattana Taluk along with other employees who were already admitted to the grant in aid on 29.11.2011 and further directions were given to release the salary etc., of the appellant herein on the post of Principal. The Joint Secretary did not deal with the recommendation of the three member committee nor recorded in the finding that how the three member committee findings were incorrect.

8. The appellant's appointment as Principal of the institution without aid was never challenged. The appellant and respondent No. 5 were appointed on the same day. Though he being senior by age he could not have any claim over the post of the Lecturer in Geography as it was already occupied by the appointment of the appellant



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herein as Principal of the institution by an order dated 03.12.2002.

9. This order passed by the Joint Secretary - respondent No. 3 came to be challenged by respondent No. 5 by filing the Writ Petition in W.P.No.47340/2012. The Writ Court has held that the Joint Secretary has failed to examine the stand of the management that the appellant had tampered with some of the documents of the college. The appellant and respondent no. 5 were appointed on the same day in the college. Respondent No. 5 being senior to the appellant in the college was entitled to the appointment as Principal grant in aid.

10. The appellant for the first time before the Joint Registrar admitted that the petitioner and respondent No. 5 were appointed on the same day and respondent No.5 was senior to him. Undisputably, respondent No. 5 is senior to the petitioner. The senior most lecturer has to be appointed as the Principal if there is vacancy in the



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college. There was nothing on record to suggest that petitioner was appointed as full time Principal of the college. He was given charge of the Principal of the college. But that would not mean that he would march over the senior person for appointment of the Principal of the college by approving his name in grant in aid. When respondent No. 5 is admittedly senior to him, the petitioner could not have claimed for post of the Principal overlooking the claim of respondent No. 5. The learned single Judge therefore, considering these facts has passed the impugned order.

11. In the meantime both the persons i.e., the appellant and respondent N. 5 have been superannuated and are reaching the age of superannuation. The question is only the disbursement of salary from the date of the approval of the person to the post of Principal grant in aid. We, therefore, find no reason to interfere with the well-reasoned judgment and order passed by the learned Writ



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Court. We find no merit in this appeal. We, therefore,
dismiss.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

BVK
List No.: 2 Sl No.: 3