



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.3539 OF 2026 (S-RES)

BETWEEN:

SMT HEMALATHA B R
AGED ABOUT 48 YEARS,
W/O. MADHU R.
WORKING AS HINDI TEACHER,
DR. B.R. AMBEDKAR RESIDENTIAL SCHOOL,
DANDINASHIVARA TURUVEKERE,
TURUVEKERE TALUK,
TUMKUR DISTRICT 572 227.

...PETITIONER

(BY SRI. SHIVA KUMAR N., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SOCIAL WELFARE,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE STATE OF KARNATAKA,
REP BY ITS SECRETARY
DEPARTMENT OF EDUCATION,
M.S. BUILDING, DR AMBEDKAR VEEDHI,
BANGALORE-560 001.
3. STATE OF KARNATAKA,
REP. BY ITS DIRECTOR,
DEPARTMENT OF MINORITIES,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.
4. KARNATAKA RESIDENTIAL EDUCATION
INSTITUTION SOCIETY,
REP. BY ITS SECRETARY,
KARNATAKA SAHAKARA MARATA
MAHAMANDALI BUILDING,





CUNNINGHAM ROAD
NEAR HIGH GROUND POLICE STATION
BENGALURU – 560 001.
(AN ORGANIZATION OF GOVERNMENT OF KARNATAKA).

5. THE JOINT DIRECTOR
DEPARTMENT OF SOCIAL WELFARE,
TUMKUR-572 101.
6. THE PRINCIPAL
DR. BR AMBEDKAR RESIDENTIAL SCHOOL,
DANDINASHIVARA,
TURUVEKERE TALUK,
TUMKUR DISTRICT – 572 227.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R-1 TO R-3 & R-5
SRI. SIDDHARTHA BABU RAO, ADVOCATE FOR R-4 & R-6)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT / DIRECTION OR ORDER AGAINST THE RESPONDENTS HEREIN TO CONTINUE THE SERVICE OF THE PETITIONER AS HINDI TEACHER / LECTURER AS SHE WORKING AS AGAINST THE SANCTIONED VACANT POSTS IN DR. BR AMBEDKAR RESIDENTIAL SCHOOL, DANDINASHIVARA, TURUVEKERE TALUK, TUMKUR DISTRICT, TILL REGULAR RECRUITMENT IS CONDUCTED IN ACCORDANCE WITH THE KARNATAKA RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (CADRE AND RECRUITMENT) (AMENDMENT) REGULATIONS, 2021, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



ORAL ORDER

In this petition, petitioner seeks the following reliefs:

a) Issue a writ of mandamus or any other writ / direction or order against the respondents herein to continue the service of the petitioner as Hindi Teacher / Lecturer as she working as against the sanctioned vacant posts in Dr.B.R. Ambedkar Residential School, Dandinashivara, Turuvekere Taluk, Tumkur District, till regular recruitment is conducted in accordance with the Karnataka Residential Educational Institutions Society (Cadre & Recruitment) (Amendment) Regulations, 2021, in the interest of justice and equity.

b) Pass such other order/s as this Hon'ble Tribunal deems fit as per facts and circumstances of the case."

2. Heard learned counsel for the petitioner and learned AGA for respondent Nos.1 to 3 and 5 and learned counsel for respondent Nos.4 and 6 and perused the material on record.

3. It is the grievance of the petitioner that her representations at Annexures – D1 to D5 all dated 24.07.2025 submitted to the respondents have not been considered so far by respondents nor any order has been passed on the same. Under these circumstances, the petitioner is before this Court by way of present petition. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned



counsel for the petitioner submits that under identical circumstances the Co-ordinate Bench of this Court in the case of ***Karnataka Residential Education Institution Society and others Vs. The State of Karnataka and others – W.P.No.7047/2023 and connected matters dated 21.02.2024*** has passed the following order:

“These petitions are filed by the Guest Teachers Association of the Karnataka Residential Educational Institution Society and also Teachers seeking the following reliefs:

“a) Issue a writ in the nature of mandamus directing the respondents to continue the services of the petitioners as teachers/Lecturers as they are working as against the sanctioned vacant posts in Karnataka Residential Educational Institutions Society till regular recruitment is taken place in accordance with the Karnataka Residential Educational Institutions Society (Cadre & Recruitment) (Amendment) Regulations, 2021, under the facts and circumstances of the case; and

b) Issue a writ in the nature of mandamus directing the respondents to pay the pay scale attached to the post of a teacher/Lecturers as specified in the regulations i.e., Karnataka Residential Educational Institutions Society (Cadre and Recruitment Regulations (Amendment), 2021 published vide bearing No.SWD 245 MDS 2021 dated 16.2.2022 at Annexure-G on the principle of equal pay for equal work as held by the Hon’ble Supreme Court in 2017(1) SCC 148 and consequently direct the respondents to pay the difference of arrears of salary to the petitioner from the date of appointment with all other consequential



benefits under the facts and circumstances of the case;

c) Issue a writ in the nature of mandamus directing the respondents to extend the benefit of service weightage to the petitioners while making regular recruitment to the post of teacher/Lecturers on par with the teachers/Lecturers those who are already appointed with the benefit of service weightage in terms of notification No.SWD.70.MDS 2010 Bangalore, dated 21.1.2011 at Annexure-D to the writ petition, under the facts and circumstances of the case; and

d) Issue any other appropriate writ, order or orders or direction as this Hon'ble Court may deems fit to grant by considering the facts and circumstances of the case, in the interest of justice and equity."

2. The petitioners in the captioned petitions facing threat of termination have knocked the doors of this Court. The petitioners contend that State Government has established the Karnataka Residential Educational Institution Society in the year 1999 and there are 826 residential schools. The petitioners claim that though State Government has sanctioned 8831 posts for teaching staff to all 826 residential schools and colleges, there are only 3619 permanent teachers. The petitioners claim that they have put in 2 to 12 years of service in the residential schools and they are working against the sanctioned vacant posts. Therefore, the captioned petitions are filed seeking a mandamus to direct the respondents to continue the services of the petitioners as Teachers/Lecturers and pay the pay scale attached to the post of Teacher/Lecturer as specified in the regulations i.e., Karnataka Residential Educational Institutions Society (Cadre and Recruitment Regulations)



(Amendment), 2021. The petitioners have also sought a mandamus to direct respondents to extend benefit of service weightage to the petitioners while making regular recruitment to the post of Teachers/Lecturers.

3. *The respondent-Karnataka Residential Educational Institution Society (KREIS) has filed statement of objections and has contended that petitioners are only Guest Teachers/Lecturers and their appointment is only confined to a particular academic year as a part time/Guest Teachers. The respondent-KREIS has contended that the services of Guest Teachers/Lecturers comes to an end at the end of each academic year. The respondent-KREIS has also contended that petitioners are not appointed by following selection process by giving advertisement at large and they are not selected on merit, following roster and reservation. Therefore, the petitions are seriously contested by the respondent-KREIS disputing petitioners' claim of service weightage on the ground that there is no existence of cadre and recruitment regulations in regard to grant of service weightage which stood deleted by way of amendment in the year 2013 itself.*

4. *Learned counsel for the petitioners submits that prayer (c) is withdrawn, while counsel appearing for respondent-KREIS has brought to the notice of this Court that respondent-KREIS has complied prayer (b) and therefore, the same will not survive for consideration.*

5. *In the light of submission made by the learned counsel appearing for the petitioners and the respondent-KREIS, only prayer (a) survives for consideration.*



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6. *Heard learned counsel appearing for the petitioners and learned counsel appearing for the respondents. Perused the material on record.*

7. *Prayer (a) sought in the captioned petitions is seriously contested by the counsel appearing for the respondent-KREIS. The respondent-KREIS would contend that the petitioners are appointed as Guest Teachers/Lecturers and they are orally appointed without conducting any exams. Therefore, it is contented by the respondent-KREIS that their appointment on contract basis relates to one academic year. Bearing in mind that petitioners are appointed on ad-hoc basis as Teachers/Lecturers in respective schools and colleges run by the respondent-KREIS, I am not inclined to accede to the argument of learned counsel appearing for the respondent - KREIS. Respondent-KREIS has not placed any records to substantiate its claim that every year written exams are conducted while appointing ad-hoc Teachers/Lecturers. Such recourse is also not permissible as it is found to be detrimental to the interest of students.*

8. *The appointment of new teachers on a frequent basis disrupts the continuity and stability essential for effective learning environments. Students thrive in environments where they can establish consistent routines and develop familiarity with their educators. Frequent turnover disrupts this continuity, causing disruptions in learning schedules, teaching methodologies, and classroom*



dynamics. This can have detrimental effects on students' mental health and well-being, impacting their ability to focus on their studies and achieve academic success. As a result, students may struggle to adapt to constantly changing instructional approaches, hindering their ability to engage with the curriculum effectively and impeding their academic progress.

9. *Additionally, the practice of frequent appointments may compromise the overall quality of education provided to students. Educators require time to familiarize themselves with the curriculum, develop effective teaching strategies, and establish a conducive learning environment. Frequent turnover deprives teachers of this necessary time, leading to suboptimal teaching practices and a disjointed educational experience for students. Consequently, students may receive a fragmented education that fails to adequately prepare them for future academic and professional endeavors.*

10. *Under the garb of restricting the services of guest Teachers/Lecturers for an academic year, the respondent-KREIS indirectly cannot be permitted to replace ad-hoc teachers by another set of ad-hoc teachers.*

11. *The petitioners, having served as temporary/guest lecturers in the Karnataka Residential Educational Institution Society for a substantial duration, have earnestly sought regularization and an increase in their honorarium through various representations. Their legitimate demand for a higher salary has unfortunately subjected them to the imminent threat of termination, with*



the respondents contemplating the appointment of other temporary teachers in their stead. However, it is imperative to emphasize that the Supreme Court, in its wisdom and consistent with precedent, has unequivocally articulated that the replacement of an ad-hoc or temporary employee should not entail the substitution with another ad-hoc or temporary employee. Rather, such a position ought to be filled by a regularly selected employee.

12. The respondents, purporting that the petitioners' status as contract based employees justifies their potential termination at the expiration of the contract term, must be cognizant of the legal principle that mere contractual engagement does not absolve the institution from the responsibility of addressing the just and reasonable demands of the employees. By adhering to a policy of replacing the petitioners with other temporary teachers, the respondents run afoul of the Supreme Court's guidance, thus jeopardizing the rights of the petitioners. Such an exercise not only inflicts undue hardship upon the petitioners but also contravenes the principles of fairness and justice enshrined in constitutional and labour laws.

13. The insistence on regular appointments of teachers/lecturers aligns with the broader objectives of institutional stability, academic continuity, and the welfare of the teaching staff. The Supreme Court's stance against replacing temporary employees with other temporary employees underscores the importance of transitioning towards a more stable and permanent workforce.



14. *In light of these considerations, it is imperative for the respondents to recognize the tenure and contributions of the petitioners and refrain from arbitrary termination or replacement practices. Failure to do so would not only violate the legitimate rights of the petitioners but also undermine the principles of equity and justice that form the bedrock of our legal system.*

15. *The records reveal that though there are 8831 sanctioned posts of teachers, only 3613 are appointed as permanent teachers and vide Recruitment Notification, 2859 teachers are selected by the Selection Authority (KPSC). Therefore, there are still substantial posts vacant. If sanctioned posts are vacant and against the sanctioned posts, guest Teachers/Lecturers who are serving cannot be disturbed and the respondent-KREIS is bound to continue the services of those guest Teachers/Lecturers who are rendering the services against sanctioned posts till those vacant posts are filled by appropriate recruitment process.*

16. *In the light of discussion made supra, this is a fit case to issue appropriate mandamus to the respondents. Prayer (a) needs to be allowed not only to protect the interest of ad-hoc employees but also bearing in mind the interest of students.*

17. *For the reasons stated supra, I pass the following:*

ORDER

(i) The writ petitions are allowed in part;



(ii) The respondents are hereby directed to continue the services of the petitioners as Teachers/Lecturers till regular recruitment is conducted in accordance with the Karnataka Residential Educational Institutions Society (Cadre & Recruitment) (Amendment) Regulations, 2021;

(iii) The pending interlocutory application, if any, does not survive for consideration and stands disposed of accordingly.”

4. Per contra, learned counsel for the respondents submits that if reasonable time is given, the respondents would consider and pass necessary order on the said representations.

5. Under these circumstances, the present petition also needs to be disposed of in terms of the aforesaid judgment of the Co-ordinate Bench of this Court.

6. In view of the aforesaid facts and circumstances and rival submissions, I pass the following:

ORDER

(i) Petition stands disposed of in terms of the judgment of the Co-ordinate Bench of this Court in the case of **Karnataka Residential Education Institution Society**



***and others Vs. The State of Karnataka and others –
W.P.No.7047/2023 and connected matters dated
21.02.2024***

(ii) The concerned respondents are hereby directed to address the grievances of the petitioner and consider her representations at Annexures – D1 to D5 all dated 24.07.2025 and pass appropriate orders / take appropriate decision bearing in mind the aforesaid judgment of this Court passed in W.P.No.7047/2023 and connected matters dated 21.02.2024 and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

(iii) It is further directed that till respondents considers and passes appropriate orders / take appropriate decision on the aforesaid representations, the concerned respondents shall not relieve or discontinue the services of the petitioner.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**