



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 4167 OF 2026 (S-RES)

BETWEEN:

1. SMT GEETHA T R
W/O NARAYANAPPA N,
AGED ABOUT 40 YEARS,
WORKED AS PHYSICAL EDUCATION TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL,
REDDYKATTE (ST-75), KORATAGERE TALUK,
TUMAKURU DISTRICT 572 121.
2. SRI. THEJYA NAIK S,
S/O SAMUDRA NAIK,
AGED ABOUT 52 YEARS,
WORKING AS HINDI TEACHER,
MORARJI DESAI RESIDENTIAL SCHOOL,
MERAKORNAHALLI, HUVINA HADAGALI TQ.,
BALLARI DISTRICT 583 219.

...PETITIONERS

(BY SMT.. SHILPA RANI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SOCIAL WELFARE,
M.S.BUILDINGS, BENGALURU - 560 001.
2. THE EXECUTIVE DIRECTOR,
KARNATAKA RESIDENTIAL
EDUCATIONAL INSTITUTIONS SOCIETY,
CO-OPERATIVE BOARD BUILDING,
6TH AND 7TH FLOOR, NEAR CHANDRIKA HOTEL,
CUNNINGHAM ROAD, BENGALURU 560 001.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R-1
SRI. C. SRINIVASA, ADVOCATE FOR R-2)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS, DIRECTING THE RESPONDENT NO.2 SOCIETY TO CONSIDER THE REPRESENTATION OF THE PETITIONER NO.1 DATED 05.01.2026 AT ANNEXURE-H3 AND THE REPRESENTATION OF THE PETITIONER NO.2 DATED 04.10.2025 AT ANNEXURE-H2 IN ACCORDANCE WITH THE ORDERS OF THE HONBLE SUPREME COURT IN SLP NO.24767/2023 DATED 22.07.2025 AS PER ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this petition, petitioners have sought for the following reliefs:-

“(i) Issue a writ of mandamus, directing the Respondent No.2 – Society to consider the representation of the Petitioner No.1 dated: 05.1.2026 at Annexure-H3 and the representation of the petitioner No.2 dated: 04.10.2025 at Annexure-H2 in accordance with the orders of the Hon'ble Supreme Court in SLP No.24767/2023 dated: 22.07.2025 as per Annexure-C;

(ii) Issue a writ of mandamus or any other appropriate writ or direction, directing the respondents grants weightage of 5% for each academic year of service irrespective of the date of appointment and proportionate weightage to the service which is less than one half the academic year and further consider the cases of the petitioners for appointment to the posts to which petitioners have applied to meet the ends of justice.



(iii) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents include the name of the petitioners in the final select list and further consider the case of the case of the petitioners for appointment to the post of Physical Education Teacher and Hindi Teacher respectively in the service of the schools run/controlled by the Karnataka residential Institutional Society from the date on which the Respondents have appointed Teachers in the year 2019/with effect from occurrence of the vacancy or whichever is earlier and grant them fixation of pay, arrears of salary and increments and all the consequential benefits to meet the ends of justice.

(iv) Issue a writ of certiorari or any other writ, order or direction, setting aside the Impugned endorsement dated: 16.01.2021 bearing No. Kavashi.SaSa/Adalitha/HoNe/Hee-03/2014-15/1635 issued by Respondent No.2 – Society as per Annexures-G;

(v) Grant such other and further reliefs as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice."

2. Heard learned counsel for the petitioners, learned AGA for respondent No.1 and learned counsel for respondent No.2 and perused the material on record.

3. The issue in controversy involved in the present petition is directly and squarely covered by the judgment of a Co-



ordinate Bench of this Court in the case of ***Sri. Chandra Naik and others Vs. State of Karnataka and another – W.P.No.9803/2022 dated 16.12.2025***, wherein under identical circumstances, this Court held as under:

“1. The petitioners filed this writ petition seeking the following prayers.

a) Issue a writ of certiorari or any other writ quashing the endorsement dated 29.01.2021 in No. KaVaShiSaSa/ADALITA/HoNe/C.R01/2014-15 and dated 21.01.2021 in No. KaVaShiSaSa/ADALITA/HoNe/C.R-01/2014-15 issued by the second respondent, true copy of which is produced as ANNEXURE-M & N, in the interest of justice and equity.

b) Issue a writ of mandamus or any other writ directing the respondents to consider the representation of petitioners dated 26/07/2021 and 18/03/2019 produced as Annexure-Q & Q1 series respectively and in terms of this Hon'ble court order dated 22.10.2019 in W.P.No.8113131/2015 (S-RES) which is placed at ANNEXURE-J, in the interest of justice and equity.

c) Issue a writ of mandamus or any other appropriate writ or direction, directing the respondents grants weightage of 5% for each academic years' service irrespective of the date of appointment and proportionate weightage to the service which is less than one half the academic year and further consider the cases of the petitioner for appointment to the posts to which petitioners have applied to meet the ends of justice;

d) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents include the name of the petitioners in the final select list and further consider the case of the case of the petitioners for appointment to the post of Social Science Teacher in the services of the schools



run/controlled by the Karnataka residential Institutional Society from the date on which the respondents have appointed Teachers in the year 2012/with effect from occurrence of the vacancy or whichever is earlier and grant them fixation of pay, arrears of salary and increments and all the consequential benefits to meet the ends of justice.

2. *Brief facts, leading rise to the filing of this writ petition are as follows:*
3. *Petitioner No.1 was appointed as a Kannada teacher in Morarji Desai Residential School, Hakkali village, Shikaripura Taluk, Shivamogga District on 12.08.2007. Petitioner No.2 was appointed as Kannada teacher in Kitturu Rani Chennamma Residential School at Varakanahalli, Hoovinahadagali Taluk, Bellari District on 12.08.2009. The petitioners are working from 2007 and 2009 till today respectively, since 15 years in the abovesaid schools only. The petitioners have passed B.A, M.A and B.Ed. They underwent a selection process and were selected. The petitioners possess the qualification prescribed for appointment to the post of teaching the subject of social science in the school owned/recognised by the Government of Karnataka.*
4. *It is contended that the respondents have not considered the service weightage from the date of appointment. The cut-off percentage for the Kannada teacher post in category SC is 69.04%. Petitioner No.1 has scored 68.37%. Petitioner No.2 has scored 66.15% and more particularly the difference of marks were very meager i.e., 2.89%. The respondents denied to consider the petitioners' service from 2007-*



08 and 2009-10 as one academic year and has not granted weightage of 5% to the petitioners as per the order passed by this Court in writ petition No.21604/2020 dated 23.09.2020.

5. *It is contended that, the petitioners are required to be extended their service of weightage to 73.37% and 71.15% respectively, and the petitioners are entitled to be considered for the post, by giving the service weightage. Respondent No.2 issued an endorsements dated 29.01.2021 and 21.01.2021 vide Annexures M and N and it is contended that respondent No.2 without considering the order passed by this Court with respect to similarly placed petitioners in writ petition No.12664/2016 dated 11.10.2018 and W.P.No.8113-8131/2015 dated 22.10.2019, issued the endorsements. Hence, on these grounds, prays to allow the petition.*
6. *Heard Smt. Shilpa Rani, the learned counsel for the petitioners, Smt. B.P.Radha, learned Additional Government Advocate for respondent No.1 and Sri. Sidharth Babu Rao, learned counsel for Respondent No.2.*
7. *Learned counsel for the petitioners submits that in the case of similarly placed petitioners, respondent No.2 gave 5% weightage to them, and she submits that petitioners are also entitled to the similar benefits on the ground of parity. She submits that endorsements issued by respondent No.2 is without application of*



mind. Hence, prays to set aside the endorsements vide Annexures M and N.

8. *Per contra, learned counsel for the respondents supported the impugned endorsements and accordingly prays to dismiss the petition.*
9. *Perused the records, and considered the submissions of the learned counsel for the parties.*
10. *It is an undisputed fact that petitioner No.1 was appointed in the month of August 2007, and petitioner No.2 was appointed in August 2009. Respondent No.2 ought to have given 5% weightage to the petitioners. Respondent No.2 declined to grant 5% weightage to the petitioners on the ground that they have joined subsequently, after the commencement of academic year. A similar issue arose before this Court in W.P.No.38713/2018. This Court vide order dated 31.10.2025, disposed of the writ petition, and has held in para Nos.10 to 12, which reads as follows:*

"10. Similarly placed petitioners had challenged the notification dated 22.10.2011, regarding weightage to be given, approached this Court in W.P.Nos.840 and 841 of 2012. The said writ petitions were allowed. Thereafter, respondent No.2 aggrieved by the order passed in W.P.Nos.840 and 841 of 2012 and other petitioners have filed writ appeals in W.A.Nos.360/2020, 650/2020, 652/2020, 675/2020 and 693/2020. The Division Bench vide order dated 11.08.2023 dismissed the writ appeals filed by respondent No.2 and affirmed the order passed by the learned Single Judge in the writ petition. Respondent No.2 aggrieved by the order passed in the aforesaid writ appeals, preferred a Special Leave Appeal No.24767/2023. The Hon'ble Apex Court vide



order dated 22.07.2025, dismissed the Special Leave Petition.

11. *Paragraph Nos.2, 3 and 4 of Special Leave Appeal No.24764/2023, which reads as under:*

By the order impugned, the High Court in paragraph 24, framed the question “Whether the learned Single Judge is justified in issuing a direction to provide proportionate weightage even if one year of service is not completed while awarding the marks?” which is answered in paragraphs 29, 30, 32 and 33 with following observations:

“29. Admittedly, the expression “each completed year of service” is not defined under the Regulations 2011. And it is also an admitted fact that the contract employees were employed only for a period of ten months on a contract basis. For the remaining two months of the year, they are not provided with any salary. This being the position, the contention of the appellants that weightage can be provided only for the “completed year of service” holds no water. Considering the facts and circumstances of the case, and also given the fact that the respondent employees have put in a considerable length of service on being recruited in an open competitive recruitment process conducted by the State or the instrumentality of the State, strict interpretation canvassed by the is results in injustice to the employees who are otherwise qualified to be regularised in service. The order of the learned single judge directing proportionate weightage only entitles certain percentage of marks to be taken into consideration to process the claim for regularisation of those candidates who have put in some service after being selected in a competitive selection process. It does not affect or take away the rights of the persons who have put in more years of service.

30. Assuming that all the contesting respondents were parties in previous writ petitions and writ appeals, the Co Ordinate bench of this court in the previous round of litigation in Writ Appeal No. 5127 of 2012 has concluded that the entry into service is not a back door entry so far as the petitioners are concerned. The Court has given a finding that the candidates were qualified and eligible to be



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appointed as teachers and has dismissed the appeal filed by the Society. It is also observed in the said order that "The appellant society as far as possible, try to accommodate the respondents, if, after giving service weightage they are selected without disturbing the candidates who are already selected and appointed". The order passed in writ appeal is confirmed by the Hon'ble Apex Court vide order dated 09.09.2013 in SLP No. 30854/2013.

The ambiguity in the language employed in not correctly defining the completed year, particularly in a situation where the employees are paid salary only for 10 months, learned single Judge is justified in holding that the petitioners should be given a proportionate weightage.

It is also required to be noticed that all the institutions run by the appellant society are admitted to grant aid by the State. Thus, the salaries of the employees to be regularised in terms of the impugned order are to be paid by the State. The State has not preferred any appeal against the impugned order and has accepted the order."

As such the judgment passed by the learned Single Judge has been affirmed by the Division Bench.

After hearing learned counsel for the parties and on perusal of the reasonings as given by the learned Single Judge affirmed by the Division Bench appears to be plausible to extend the proportionate benefit to the candidates. By allowing proportionate benefit every candidate shall be benefited and no one is going to be affected adversely. On the contrary, they will get the proportionate percentage of marks following the Karnataka Residential Educational Institutions Society (Cadre and Recruitment) Regulations, 2011.

In that view of the matter, we are not inclined to entertain the present special leave petitions in exercise of our jurisdiction under Article 136 of the Constitution of India. Accordingly, the special leave petitions are dismissed.

12. The Hon'ble Apex court recorded that the learned Single Judge was right in issuing the direction to provide proportionate weightage, even one year of service is not completed while awarding



the marks. The issue involved in the present case is squarely covered by the order passed by the Hon'ble Apex Court in the case of the KARNATAKA RESIDENTIAL EDUCATION INSTITUTION SOCIETY V/S SHAMBULING PATIL AND OTHERS IN SLP(C)NO.24767/2023, disposed of on 22.07.2025."

11. *In view of the above discussion, I proceed to pass the following order:*

ORDER

- i. *The writ petition is **allowed**.*
- ii. *The impugned endorsements dated 29.01.2021 and 21.01.2021 vide Annexures M and N are hereby quashed.*
- iii. *Respondent No.2 is directed to reconsider the case of the petitioners in accordance with law within 8 days from the date of receipt of a certified copy of this order.*
- iv. *In view of disposal of the petition, I.A.No.1/2022 does not survive for consideration and stands disposed of accordingly."*

4. In view of the aforesaid facts and circumstances and the judgment of a Co-ordinate Bench of this Court in **Chandra Naik's case (supra)**, I deem it just and appropriate to allow and



dispose of the present petition in terms of the said judgment by issuing certain directions.

5. In the result, I pass the following:

ORDER

(i) The petition is allowed and disposed of in terms of the judgment of a Co-ordinate Bench of this Court in the case of ***Sri. Chandra Naik and another Vs. State of Karnataka and another – W.P.No.9803/2022 dated 16.12.2025.***

(ii) The impugned Endorsement at Annexure-G dated 16.01.2021 issued by respondent No.2 is hereby quashed.

(iii) Respondent No.2-Society is directed to reconsider the claim of the petitioners, in accordance with law, bearing in mind the order passed by the Apex Court vide Annexure-B, within a period of Eight weeks from the date of receipt of a copy of this order.

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

Srl.