



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 20709 OF 2023 (S-RES)

BETWEEN:

SRI A. KRISHNA MURTHY,
S/O LATE UGRAIAH,
AGED ABOUT 52 YEARS
LECTURER,
S L N TEACHERS TRAINING
INSTITUTE FORT,
BANGALORE – 560 002

...PETITIONER

(BY SRI. NAGARAJAPPA A., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF EDUCATION
M. S. BUILDING, BANGALORE – 01,
REPRESENTED BY
PRINCIPAL SECRETARY
2. THE COMMISSIONER
DEPARTMENT OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD,
BANGALORE – 01
3. THE DIRECTOR
DEPARTMENT OF STATE EDUCATIONAL
RESEARCH AND TRAINING
NO.4, 100 FEET RING ROAD
BANASHANKARI, 3RD STAGE
BANGALORE – 86
4. THE PRINCIPAL
DISTRICT INSTITUTE OF
EDUCATION AND TRAINING



BANGALORE URBAN DISTRICT,
RAJARAJESHWARI NAGARA
BANGALORE – 98

5. THE ADMINISTRATOR
S L N CHARITIES FORT,
BANGALORE – 02
6. THE PRINCIPAL
S L N TEACHERS TRAINING
INSTITUTE FORT
BANGALORE – 02

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1 TO R4;
SRI. HARISHCHANDRA MOVVAR, ADVOCATE FOR R5 & R6)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
COMMUNICATION DATED 19/06/2023 ISSUED BY THE 3RD
RESPONDENT TO THE 6TH RESPONDENT IN NO. 10699
DSERT/DIET/OTH/5/2023-TECD AT ANNEXURE-L AND ETC.,

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 for the following reliefs:-

*“a. Issue an order or orders or writ in the nature of writ of
Certiorari quashing the communication dated 19.06.2023
issued by the 3rd Respondent to the 6th Respondent in
No.10699 DSERT/DIET/OTH/5/2023-TECD at Annexure-L.*

*b. Issue an order or orders or writ in the nature of writ of
Mandamus to consider the representation dated 29.12.2023
and 06.01.2023 at Annexures – J & J1.*



c. Issue any order or orders as deems fit by this Hon'ble Court on the facts and circumstances of the case, in the interest of justice and equity."

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

3. A perusal of the material on record will indicate that the petitioner was appointed on a temporary basis with effect from 26.07.2000 in terms of Annexure- A dated 26.07.2000 in the respondent Nos.3 and 4 – Institution, which is undisputed aided Institution, aided by the respondent No.4/State Government. On 16.06.2011, respondent Nos.5 and 6 submitted a proposal to respondent No.3 for extending/giving the benefit of the Grant-in-Aid made in favour of the petitioner. The said proposal submitted by the respondent Nos.5 and 6 to respondent No.3 was forwarded for approval and came to be rejected vide endorsements dated 07.01.2014 and 25.02.2014, which were assailed by the petitioner in W.P.No.19755/2014 before a co-ordinate Bench of this Court. By final order dated 24.11.2022, a co-ordinate Bench of this Court quashed the impugned endorsements and directed the Director of



Department of State Educational Research and Training (respondent No.3 herein), who was also respondent No.3 in W.P.No.19755/2014 to secure a report as regards to the strength of students in the year 2011-12 and to take a decision in the matter of approval of the petitioner by granting him the benefit of the Grant-in-Aid and to proceed further in accordance with law. The said order dated 24.11.2022 passed by a co-ordinate Bench of this Court in W.P.No.19755/2014 is as under:

“The petitioner, a Lecturer working in 6th respondent-College run by fifth respondent is before this Court under Article 226 of the Constitution of India praying to quash the Endorsement at Annexure-A bearing No.ಶಿಠ 2/ನೇಮಕ ಬಾ/2012-13 dated 07.01.2014 issued by the third respondent-Director and the endorsement at Annexure-B bearing No. ಎಸ್ಎಲ್ಎನ್ಸಿ/ಎಡಿಎಂ 1/ಸಿಆರ್ 66/2011-12 dated 25.02.2014 issued by the fifth respondent refusing to approve the petitioner’s appointment in sixth respondent – College.

2. *Heard the learned counsel Sri.B.S.Jeevan Kumar for the petitioner and learned Additional Government Advocate Sri.M.V.Ramesh Jois for respondent Nos.1 to 4. Perused the writ petition papers.*

3. *Learned counsel for the petitioner would submit that the petitioner was appointed as Lecturer in sixth*



respondent – College under Annexure-C, O.M. dated 26.07.2000 of the respondent No.5. Learned counsel would submit that the petitioner was initially appointed on temporary basis and subsequently, he continued as permanent teacher of the sixth respondent – College. The proposal of the appointment of the petitioner was forwarded to official respondents for approval. The proposal for approval of the petitioner's appointment is rejected under Annexure-A dated 07.01.2014 on the ground of lack of students strength and also on the ground that the petitioner had crossed the age prescribed for the general category candidates. Learned counsel for the petitioner would contend that the age is to be taken as on the date of his initial appointment and not as on the date of consideration by the third respondent. As on the date of appointment of the petitioner under Annexure-C dated 26.07.2000, the petitioner was well within the age prescribed for general category candidates. Thus, he submits that respondent No.3 committed error in rejecting the proposal of the petitioner for approval of his appointment. Further, the learned counsel would submit that with regard to students strength, there was sufficient students strength and based on the students strength, the petitioner was appointed in the year 2000. Thus, he prays for allowing the writ petition.

4. Per contra, learned Additional Government Advocate would submit that the petitioner's case was considered for approval and is rejected on the ground that there is no student strength in the College and also on the ground that the petitioner is over-aged. He invites attention



of this Court to Annexure-D, proposal for approval of petitioner's appointment was forwarded only in the year 2011 even though the petitioner was appointed in the year 2000. Thus, he prays for dismissal of the writ petition.

5. *Having heard the learned counsel for the parties and on perusal of the writ petition papers, I am of the view that the age of the petitioner as on the date of appointment by the fifth respondent – Management on 26.07.2000 (Annexure-C) is to be considered. Annexure-C, order of appointment of the petitioner issued by the fifth respondent dated 26.07.2000 indicates that the petitioner was appointed as Lecturer on temporary basis. Subsequently, it appears that the petitioner was continued from time to time as permanent teacher in sixth respondent – College. Always, the proposal for approval of appointment from the aided or non-aided institutions would be forwarded subsequent to appointment. If there is delay in forwarding the proposal by the College, the petitioner or candidate cannot be faulted with or he cannot suffer for the delay in forwarding the proposal. Therefore, it would be appropriate for the authorities to consider the age of the petitioner for approval of appointment as on the date of his initial appointment by the Management. Thus, I am of the view that the respondents ought to have considered the petitioner's appointment date for determining the eligibility with regard to age.*

6. *The other ground on which the petitioner's proposal for approval of appointment is rejected is that*



there is no required students strength for approval of appointment. Whether there is sufficient student strength or there is lack of student strength is a factual aspect which cannot be gone into in this writ petition. It is for the third respondent to call for report from the sixth respondent – College and to take a decision with regard to student strength and if there is sufficient student strength, the respondent No.3 shall take a decision in the matter of approval of petitioner's appointment. Hence, the following:

ORDER

The third respondent is directed to call for report from the sixth respondent – College with regard to student strength and thereafter take a decision in the matter of approval of appointment of petitioner to sixth respondent – College as Lecturer, in the light of the observation made above.

The interim order dated 30.06.2014 by which the petitioner was protected directing not to relieve him from the post of Lecturer in sixth respondent – Institution during pendency of the writ petition, would enure to the benefit of the petitioner, till the third respondent takes a decision.

With the above, writ petition stands disposed of."

4. Subsequently, the said order passed by a co-ordinate Bench of this Court in W.P.No.19755/2014, the petitioner having submitted representations, the respondent No.3 proceeded to pass



the impugned order/communication at Annexure-L dated 19.06.2023 rejecting the request of the petitioner, who is before this Court by way of the present petition.

5. A perusal of the aforesaid order dated passed by a co-ordinate Bench of this Court dated 24.11.2022, will clearly indicate that the claim of the petitioner for granting him the benefit of Grant-in-Aid was upheld and the limited/restricted directions issued by a co-ordinate Bench of this Court was to respondent Nos.5 and 6 to submit a report as regards their students strength in the year 2011-12 and pursuant to a report in this regard being submitted by the respondent Nos.5 and 6 to respondent Nos.1 to 4, the respondent No.3 was directed to take an appropriate decision in this regard. Despite the aforesaid order dated 24.11.2022 passed by a co-ordinate Bench of this Court in W.P.No.19755/2014 upholding the claim of the petitioner by issuing limited directions only in relation to the strength of the students and not with regard to the other aspects of the matter, the respondent No.3 clearly fell in error in rejecting the claim of the petitioner by assigning reasons which are contrary to the directions issued by this Court in the earlier round of litigation referred to supra. As stated earlier, the only option



available to the respondents-State was as per the order of co-ordinate Bench of this Court, which had specifically directed the respondent No.3 to secure/obtain a report from the respondent Nos.5 and 6 as regard to students strength in the year 2011-12 and thereafter, proceed further either to grant approval for extending the benefit of the Grant-in-Aid made in favour of the petitioner or transfer him to a different institution in terms of Rule 12 of the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Service of Employees in Aided Colleges of Education and Teachers' Training Institutes) Rules 2001, which reads as under:

“12. Transfer of employees from one aided institution to another aided institution:- (1) Transfer of an employee can be permitted by the competent authority subject to the following conditions

- (a) that there is need for filling up the post in terms of subject, strength and attendance.*
- (b) that the vacancy so proposed for transfer is a clear vacancy and is in accordance with the staffing pattern.*
- (a) the management has clearly mentioned the nature and cause of vacancy supported by*



facts.

- (b) *that an employee receiving salary grant from Government earlier is proposed for transfer in the place of another employee or post which is also included in salary grant and no employee occupying a post receiving salary grant is proposed for transfer to an unaided post.*
- (c) *that both the management have consulted.*

(2) *The competent authority may grant permission to transfer in the following cases:-*

- (a) *in the case of a request by the management or the employee for a transfer within the institution of the same management;*
- (b) *in the case of request by management or the employee for a transfer to an institution of different management, with the consent of both the management.*

Provided that in case if request by the management or the employee for a transfer within the institutions of the same management or request by an employee for a transfer to an institution belonging to a different management, the head of the department may accord permission for the same, subject to the condition that in respect of transfer involving different management, the employee earns the seniority in the concerned institution from the date of reporting



for duty in the new institution. However, his service in the previous Aided Institution will count for the purpose of salary, leave and pensionary benefits. In all other cases of transfer effected within the same management the services in the previous institution shall count for seniority in the new Institution and his service in the previous Institution of the same management shall count for salary, leave and pensionary benefits. Transfer orders of the employees within the institution of the same management or different management shall be issued only by Director of Public Instruction (Research and Training)."

6. Under these circumstances, I deem it just and appropriate to quash the impugned order/communication and dispose of the petition by issuing certain directions. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) The impugned order/communication dated 19.06.2023 issued by respondent No.3 to respondent No.6 at Annexure-L, is hereby quashed.



iii) In the first instance, respondent Nos.5 and 6 are directed to submit a report as regards the students strength in the respondent Nos.5 and 6 - Institution as existing in the year 2011-12 within a period of 6 weeks from the date of receipt of a copy of this order.

iv) Immediately upon receipt of such a report by the respondent Nos.5 and 6 to the respondent Nos.1 to 4, the concerned respondent Nos.1 to 4 shall consider the claim of the petitioner for benefit of Grant-in-Aid and pass appropriate orders in this regard within a period of 1 month from the date of receipt of the said report to be submitted by respondent Nos.5 and 6.

v) If for any reason, the concerned respondent Nos.1 to 4 come to the conclusion that the strength of students in the respondent Nos.5 and 6 – Institution falls short of the requirement contemplated in law for the purpose of extending the benefit of Grant-in-Aid in favour of the petitioner, the concerned respondent Nos.1 to 4 shall transfer the petitioner to any other aided institution for the purpose of obtaining the benefit of Grant-in-Aid and pass appropriate orders in this regard within a period of 1 month on the date of receipt of a report from the respondent Nos.5 and 6.



vi) It is further directed that till the concerned respondent Nos.1 to 4 take appropriate decision/pass appropriate orders pursuant to the present order, the interim order passed by this Court shall continue to remain in force and operate between the parties.

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

MDS
List No.: 1 SI No.: 3