



IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 106968 OF 2025 (S-RES)
C/W
WRIT PETITION NO. 102142 OF 2022 (S-RES)

IN WP NO. 106968/2025
BETWEEN:

SRI. "VEERACHARI S/O. GANGANDHAR BADIGER,
AGE: 45, OCC: TEACHER,
R/O. MUTTUR VILLAGE, TALUK: BYADAGI,
DISTRICT: HAVERI-581109.

AT PRESENT WORKING AT:
MURARJI DESAI RESIDENTIAL SCHOOL,
KARAGINKOPPA VILLAGE, TALUK: MUNDGOD,
DISTRICT: KARWAR (UTTARA KANNADA)-581349.

AMENDED CAUSE TITLE AS PER
ORDER DATED 03.02.2026

...PETITIONER

(BY SRI. PRAKASH R. BADIGER, ADVOCATE)

AND:

1. THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
DR. B.R. AMBEDKAR VIDHI,
BENGALURU-560001.
2. THE EXECUTIVE DIRECTOR,
KARNATAKA RESIDENTIAL EDUCATIONAL





NC: 2026:KHC-D:1490
WP No. 106968 of 2025
C/W WP No. 102142 of 2022

INSTITUTIONS SOCIETY,
NO.8, MSB-1, 6 AND 7TH FLOOR,
CONNINGHAM ROAD, BANGALORE-560052.

3. THE PRINCIPAL,
MURARJI DESAI RESIDENTIAL MODEL SCHOOL,
KARAGINKOPPA VILLAGE, TALUK: MUNDGOD,
DISTRICT: KARWAR (UTTARA KANNADA)-581349.

...RESPONDENTS

(BY SMT. NANDINI B. SOMAPUR, AGA FOR R1;
SRI. SUNIL S. DESAI, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ENDORSEMENT DATED 10.05.2018 PASSED BY THE 2ND RESPONDENT BEARING NO. NO. SANKYE: KA. VA. SHI. SA. SA/ ADALITA/ HONE/ C.R-01/2017-18 VIDE ANNEXURE-C AND DIRECT THE 2ND RESPONDENT TO RECONSIDER THE PETITIONER'S REPRESENTATION DATED 08.09.2025 VIDE ANNEXURE-F AND ETC.

IN WP NO. 102142/2022
BETWEEN:

HANUMANTHAPPA GANGAPPA GADDADA,
SON OF GANGAPPA,
AGED ABOUT 48 YEARS,
WORKING AS ASSISTANT TEACHER
IN MORARJI DESAI RESIDENTIAL SCHOOL,
SHIDENUR, TALUK: BYADAGI,
DIST: HAVERI-581106.
RESIDENT OF HYARADA VILLAGE,
HUVINAHADAGALI-TQ.
VIJAYANAGARA-DISTRICT-583217.

...PETITIONER

(BY SRI. PRAKASH R. BADIGER, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU-560 020.
2. THE EXECUTIVE DIRECTOR,
KARNATAKA RESIDENTIAL
EDUCATIONAL INSTITUTIONS,
NO.179, 3RD FLOOR, ROOPA COMPLEX,
SHESHADRIPURAM, BANGALORE-560 020.

...RESPONDENTS

(BY SMT. NANDINI B. SOMAPUR, AGA FOR R1;
SRI. SUNIL S. DESAI, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ENDORSEMENT DATED 12/10/2021 PASSED BY THE 2ND RESPONDENT BEARING NO. KVASHISASA/ AADALIT/ HOONAE/ CR-01 /2015-16, PRODUCED AT ANNEXURE-K AND DIRECT THE 2ND RESPONDENT TO RECONSIDER THE PETITIONER FOR SELECTION AS ASSISTANT TEACHER BY CONSIDERING THE HIS REPRESENTATION DATED 29-03-2016 AND ETC.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

Both the writ petitions are taken up together with the consent of both the parties as they involve common questions of facts and law.

2. The petitioner in WP No.106968/2025 is seeking for the following reliefs;

a) Issue a writ of Certiorari or any other writ quashing the endorsement dated 10.05.2018 passed by the 2nd Respondent bearing No. SANKYE: KA. VA. SHI. SA. SA/ ADALITA/ HONE/ C.R-01/2017-18 vide ANNEXURE-C and direct the 2nd Respondent to reconsider the petitioner's representation dated 08.09.2025 vide Annexure-F.

b) Grant any other writ or direction or order granting such other relief as this Hon'ble court deems fit under the circumstances of the case.

3. The petitioner in WP No.102142/2022 has sought for the following reliefs;

a) Issue a writ of Certiorari or any other writ quashing the endorsement dated 12/10/2021



passed by the 2nd Respondent bearing No. ಕವಶಿಸಸ/ಆಡಳಿತ/ಹೊನ್ನೇ/ಸಿಆರ್-01 /2015-16, produced at ANNEXURE-K and direct the 2nd Respondent to reconsider the petitioner for selection as assistant teacher by considering his representation dated 29-03-2016.

- b) Grant any other writ or direction or order granting such other relief as this Hon'ble court deems fit under the circumstances of the case.*

4. **Brief facts in WP 106968/2025;**

The petitioner worked as an Assistant Science Teacher in Morarji Desai Residential School, Mundagod (for short, 'MDRSM') running under respondent No.2-Society. The Society has framed rules for absorption/selection of contract Teachers by granting service weightage based on the length of service rendered.

5. The respondent No.2 prepared selection list, and the name of the petitioner was left out from selection list, and an endorsement was issued stating that:



- i. The petitioner has served only one complete academic year;
- ii. He secured 55.82 in C.C.E;
- iii. He was entitled to 5 grace marks;
- iv. The cut-off for 2A category was 61.12.

And that, he did not fulfill the condition of the continued service as per the rules of absorption. The petitioner submitted representation and non-consideration of the representation dated 08.09.2025 (Annexure-F), petitioner has approached this Court.

6. **Brief facts in WP No.102142/2022;**

The petitioner worked as an Assistant Science Teacher in different Schools of MDRSM running under the respondent No.2-Society. The respondent No.2 prepared the final list leaving out the name of the petitioner. The respondent No.2 issued an endorsement stating that he did not fulfill the conditions of continued service as per the



rules of absorption and was not in service from 01.06.2009 to 23.08.2009. It was further held that he was not entitled for grace marks for the academic years 2007-2008, 2008-2009 and 2009-2010. The petitioner states that the delay of 84 days in joining the duty was on medical grounds, he had completed the academic year, and the alleged brake cannot be treated as discontinuation of service and denial of proportionate weightage is arbitrary.

7. Learned counsel for the petitioner submits that similarly placed persons had approached this Court in several writ petitions wherein the proportionate weightage was granted, and the respondent-society challenged the same before the Apex Court in the case of ***The Karnataka Residential Education Institutions Society Vs. Shambuling Patil and Others***¹ (*Shambuling Patil*) and the Apex Court has upheld the grant of proportionate weightage based on the actual service rendered in an

¹ SLA No.24767/2023 D.D.22.07.2025



academic year. It is submitted that the petitioner is entitled for similar relief in terms of the law declared by the Apex Court.

8. In addition, learned counsel for the petitioner in W.P. No.102142/2022 submits that the respondent No.2 has denied the benefit of grace marks by adopting an untenable version. It is submitted that the petitioner has put in service continuously and the respondents have accepted his delay and extracted his work for the said academic year. It is submitted that, if the petitioner had made any discontinuation of service for the whole academic year, the same could have been termed as discontinuation. The belated joining of duty on medical ground cannot be considered as a discontinuation.

9. *Per contra*, the learned counsel appearing for the respondent No.2 fairly submits that the law laid down by the Apex Court, wherein the proportionate benefit to every candidate should be extended as held by the Apex Court in the case of **Shambuling Patil's** case. According



to the learned counsel, the petitioner in WP No.106968/2025, his representation would be considered in terms of the judgment in ***Shambuling Patil***'s case.

10. The core issue in both the writ petitions pertains to grant of service weightage for the service rendered in an academic year. The Apex Court in ***Shambuling Patil***'s case has clarified that the proportionate weightage must be extended based on the actual service rendered during the academic year and that a rigid interpretation of 'continuous service' cannot defeat the legitimate claims where the service has substantially been rendered.

11. Having regard to the submission made, the impugned endorsement cannot be sustained without reconsideration in terms of the judgment of the Apex Court in ***Shambuling Patil***'s case. Accordingly, this Court pass the following;



ORDER

- i) Both the writ petitions are ***allowed***.
- ii) The endorsement dated 10.05.2018 issued by the respondent No.2 in WP No.106968/2025 and the impugned endorsement dated 12.10.2021 issued by respondent No.2 in WP No.102142/2022 are hereby ***quashed***.
- iii) The respondent No.2 is directed to reconsider the petitioners' representation dated 08.09.2025 (in W.P. No.106968/2025 vide Annexure-F) and representation dated 29.03.2016 (in W.P. No.102142/2022 vide Annexure-F) in terms of the law laid down by the Apex Court in the case of ***Shambuling Patil***.



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- iv) The entire exercise shall be completed within a period of eight [8] weeks from the date of receipt of a certified copy of this order.

Sd/-
JUSTICE K.S.HEMALEKHA

PJ/CT-MCK
LIST NO.: 1 SL NO.: 12