



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201708 OF 2026 (S-RES)

BETWEEN:

ABHINANDAN S/O SUDHAKAR RAO JADAV,
AGE: 47 YEARS, OCC : SECOND DIVISION ASSISTANT,
R/O. SATHYANIKETHAN HIGH SCHOOL, BHALKI, TQ
BHALKI, DIST BIDAR.

...PETITIONER

(BY SRI. DEEPAK VISHNU BARAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION FOR PRIMARY
AND SECONDARY, M.S. BUILDING,
BENGALURU-560 001
2. THE ADDITIONAL COMMISSIONER,
PUBLIC INSTRUCTIONS DEPARTMENT,
KALABURAGI-585 102
3. THE DIRECTOR,
PUBLIC INSTRUCTION,
BIDAR, BIDAR-585 401.





4. THE BLOCK EDUCATION OFFICER,
BHALKI, TALUKA BHALKI,
BIDAR-585 401.
5. THE SECRETARY,
SATHYANIKETAN EDUCATION SOCIETY,
BHALKI, TALUKA BHALKI,
BIDAR-585 401.

...RESPONDENTS

(SRI. VEERANAGOUDA M. BIRADAR, AGA FOR R1 TO R4;
NOTICE TO R5 DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE (I) ISSUE A WRIT OF MANDAMUS WHEREBY DIRECTING THE 2ND RESPONDENTS TO CONSIDER THE REPRESENTATION DATED 14.11.2024 AND OTHER REPRESENTATION EARLIER MADE BY THE PETITIONER AS AT ANNEXURE-P AND PASS APPROPRIATE ORDER TO GIVEN THE POSTING TO THE PETITIONER AT THE 5TH RESPONDENT RUNED HIGH SCHOOL AT BHALKI AND ALSO RELEASE SALARY OF THE PETITIONER FROM 29.05.2015 IN THE INTEREST OF JUSTICE, ETC.,

THIS PETITION, COMING ON FOR PRL. HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. Heard the learned counsel for the petitioner and the learned Additional Government Advocate on behalf of respondent Nos.1 to 4.



2. This writ petition under Articles 226 & 227 of the Constitution of India, is filed seeking for the following reliefs:

(i) Issue a writ of mandamus whereby directing the 2nd respondent to consider the representation dated 14.11.2024 and other representation earlier made by the petitioner as at Annexure-P and pass appropriate order to given the posting to the petitioner at the 5th respondent runed High School at Bhalki and also release salary of the petitioner from 29.05.2015, in the interest of justice;

(ii) Issue any other writ or order or direction as this Hon'ble Court deems fit in view of the facts and circumstances of the case stated above in the interest of justice and equity.

3. The petitioner was appointed as an Instructor in the respondent No.5 – Junior College in the year 2015 and his appointment was also approved by the competent authority and he was admitted for the benefit of grant-in-aid. By order dated 15.02.2017, the respondent No.2 had transferred the petitioner from 5th respondent to Sri. Vitta Dodda Hanamantappa Lingamma High School for Girls, Sirguppa Road, Bellary. Challenging the said order, the



petitioner had approached this Court in W.P.No.200886/2017 which was dismissed on 16.08.2018. As against the said order, the petitioner had filed Writ Appeal No.200645/2018 which was allowed by the Division Bench of this Court by order dated 25.04.2019 and the order dated 15.02.2017 was quashed. As against the said order passed in Writ Appeal No.200645/2018, the State Government had preferred Civil Appeal No.3506/2022 before the Hon'ble Supreme Court of India.

4. The Hon'ble Supreme Court vide order at Annexure-J dated 29.04.2022 disposed of the Civil Appeal No.3506/2022, setting aside the order passed in Writ Appeal No.200645/2018 and restoring the order passed by the learned Single Judge of this Court in Writ Petition No.200886/2017. While disposing of the Civil Appeal No.3506/2022, undertaking of the petitioner that he is ready to join the place of transfer as per order dated 15.02.2017, which was the subject matter of W.P.No.200886/2017 was taken on record by the Hon'ble



Supreme Court and thereafter permission was granted to the petitioner to file a representation before the competent authority seeking payment of arrears of salary, if any, and the authority concerned was directed to consider such representation in accordance with law.

5. It appears that, thereafter, the petitioner had approached Sri. Vitta Dodda Hanamantappa Lingamma High School for Girls, Sirguppa Road, Bellary, with a request to permit him to report for duty. However, vide communication at Annexure-K dated 13.06.2022 the said school had informed the petitioner that since the post of SDA was already filled, there was no vacancy available in the said school. Subsequently, the petitioner has submitted the representation at Annexure-M before the respondent No.2 on 18.09.2024. The said representation was considered and the endorsement at Annexure-N dated 30.09.2024 was issued by the respondent No.4 informing the petitioner that he is required to approach the competent authority seeking necessary reliefs. It is under



these circumstances, he has submitted a fresh representation vide Annexure-E on 14.11.2024 before the respondent No.2. The grievance of the petitioner is that, the said representation is not considered till date.

6. The material on record would go to show that, by order at Annexure-E dated 15.02.2017, the respondent No.2 had transferred the petitioner from 5th respondent-School to the post of Second Division Assistant at Sri. Vitta Dodda Hanamantappa Lingamma High School for Girls, Sirguppa Road, Bellary. The said order was unsuccessfully challenged by the petitioner before this Court in W.P.No.200886/2017 and ultimately, the Hon'ble Supreme Court in Civil Appeal No.3506/2022 had upheld the said order dated 15.02.2017 passed by the respondent No.2 and had disposed of the Civil Appeal No.3506/2022 taking on record the submission made by the petitioner that he is ready to join the place of transfer as per order dated 15.02.2017 passed by the respondent No.2 herein. Liberty was also granted to the petitioner to submit a



representation before the competent authority seeking payment of arrears of salary. It appears that, the School to which the petitioner was transferred under Order dated 15.02.2017 had refused to take him into service for the reason that, no vacancy was available in the said school to the post of Second Division Assistant.

7. Under the said circumstances, it becomes the duty of the respondent No.2 who had issued the impugned order at Annexure-E dated 15.02.2017, to provide a alternate posting to the petitioner. More so, having regard to the order passed by the Hon'ble Supreme Court in Civil Appeal No.3506/2022. In the representation at Annexure-P, the petitioner has not sought for the said relief.

8. Under the circumstances, I am of the opinion that, if this writ petition is disposed of, permitting the petitioner to submit an appropriate representation before the respondent No.2 with a prayer to accommodate him in any alternate school by providing suitable post, taking into



consideration the transfer order dated 15.02.2017 and the order of the Hon'ble Supreme Court passed in Civil Appeal No.3506/2022 and also to seek arrears of salary, if any, the same would serve the ends of justice.

9. Accordingly, the following:

ORDER

The writ petition is disposed of, permitting the petitioner to submit an appropriate representation before the respondent No.2 as aforesaid and in the event, such a representation is submitted within a period of one month from the date of receipt of copy of this order, the same shall be considered and appropriate orders in accordance with law shall be passed by the respondent No.2 as expeditiously as possible, but not later than a period of three months from the date of receipt of such application.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE