



CNR: KAHC030057662025

NC: 2026:KHC-K:6113-DB
WA No. 200150 of 2025

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 30TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.DEVDAS

AND

THE HON'BLE MR. JUSTICE BRUNGESH M

WRIT APPEAL NO.200150 OF 2025 (S-RES)

BETWEEN:

1. THE SECRETARY,
PRIMARY AND SECONDARY EDUCATION,
VIKAS SOUDHA,
BENGALURU-560 001.
2. THE DIRECTOR (PRIMARY EDUCATION),
PUBLIC INSTRUCTION DEPARTMENT,
M.S. BUILDING, BENGALURU-560 001.
3. THE ADDITIONAL COMMISSIONER,
PUBLIC EDUCATION DEPARTMENT,
KALABURAGI-585 101.
4. THE DEPUTY DIRECTOR,
PUBLIC INSTRUCTIONS,
KALABURAGI-585 102.
5. THE BLOCK EDUCATION OFFICER,
KALABURAGI NORTH,
KALABURAGI-585 102.



...APPELLANTS

(BY SRI PRADEEP GAONKAR, AAG &
SMT. MAYA T.R., AGA)



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AND:

1. MULLA MUNZAREEN D/O NABI SAHEB,
C/O MOHAMMADI MANZIL,
BEHIND SHALIMAR FUNCTION HALL,
QUMER COLONY ROZA,
KALABURAGI-585 104.
2. SUMAYYA AKHTAR
D/O MOHAMMED HASAN ALI,
H.No.6-396,
KHUNI LAWLA MOMINPURA,
KALABURAGI-585 104.
3. MOHAMMADI BEGUM
D/O MOHAMMEDI IQBAL AHMED,
MOHAMMADI MANZIL,
BEHIND SHALIMAR FUNCTION HALL,
QUMER COLONY ROZA,
KALABURAGI-585 104.
4. VALIKAR PEERAPPA
S/O SHARANAPPA,
3-A BLOCK PTS QUAARTERS,
MSK MILL, SHANTI NAGAR,
KALABURAGI-585 104.
5. HAFIZABI URF SHABANA
D/O ABDUL RAHMAN SAHEB MUNSHI,
H.NO.6-396, KHUNIALA MOMINPURA,
KALABURAGI-585 104.
6. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
KALABURAGI-585 102.
7. THE PRESIDENT,
HAJI MOHAMMED HUSSAIN KHADRI,
EDUCATION CHARITABLE TRUST,
KALABURAGI-585 102.



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8. THE PRINCIPAL,
DARYAN URDU BOYS HIGH SCHOOL,
EDULLA COLONY,
KALABURAGI-585 102.
9. THE PRINCIPAL,
DARYAN URDU BOYS HIGH SCHOOL,
EDULLA COLONY,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI AMEET KUMAR DESHPANDE, SR. COUNSEL
FOR SRI SATISHKUMAR D. GADKAR, ADV. FOR R1 TO R5;
SRI KRUPA SAGAR PATIL, ADVOCATE FOR R6;
V/O DATED 08.04.2026, NOTICE TO R7, R8 AND
R9 IS DISPENSED WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER OF THE LEARNED SINGLE JUDGE DATED
23.09.2024 PASSED IN WRIT PETITION NO.223794/2020
(S-RES) AND PASS SUCH OTHER ORDER/S AS THIS HON'BLE
COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF
THE CASE.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.DEVDAS
and
HON'BLE MR. JUSTICE BRUNGESH M



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R.DEVDAS)

This appeal is similar to another matter which was disposed of recently by this Court in Writ Appeal No.200148/2025. The question therein was regarding the teachers of an aided institution and their retrenchment pursuant to withdrawal of grant-in-aid to the institution. However, in the present case, what is sought to be contended by the appellant-State and its authorities is that, though it is true that by Government Order dated 26.06.2014 the Institution was placed under grant-in-aid with effect from the year 2014-2015 i.e., from the date of issuance of the Government Order and the details of the staff given salary grant is also found in the said Government Order, nevertheless, salary grant were never paid to any of the staff entitled for grant-in-aid and before the salary could be paid, the grant-in-aid has been withdrawn by the Government by order dated 07.09.2016.



2. The Learned Additional Advocate General, contended on behalf of the appellant-State and its authorities that, this fact of the matter cannot be denied by the respondents. It is submitted that the impugned endorsement issued by the Department on 04.02.2020 at Annexure-K also specifies the same reason that at no point of time salary grant was paid by the Government and therefore, the Institution cannot be considered as an aided Institution and the teaching staff to whom aid was granted in 2014 also cannot be considered as aided staff and question of retrenchment of the respondents to any other aided institution would not arise.

3. Per contra, learned Senior Counsel Sri Ameet Kumar Deshpande appearing for the respondents submitted while pointing out to Rules 10 and 11 of the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Service of Employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999 (for short '*the Rules, 1999*') that, clause (c) of



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sub-rule (1) of Rule 10 clearly provides that an employee in an institution may be retrenched by the Governing Council on closure of the school due to lack of infrastructure facilities, dispute within the management or between management and teachers or any other reasons which may be recorded in writing. Sub-rule (3) of Rule 10 also provides that if the Governing Council does not send the proposal, in accordance with clause (e) of sub-rule (2), the Competent Authority may give directions to the Governing Council to send proposals within a period of one month, failing which salary grants in respect of the entire institution shall be withdrawn forthwith. Sub-rule (1) of Rule 11 provides that the Competent Authority may either *suo motu* after personally ascertaining facts or on the report of one of the subordinate officers initiate action to retrench an employee by following, as far as may be, the procedure under Rule 10 and pass an order giving necessary directions to the Governing Council after having fully satisfied that retrenchment is called for due to any



one or more of the reasons specified in Rule 10 or Section 98. Further, sub-section (2) of Section 98 of the Karnataka Education Act, 1983 (for short '*the Act, 1983*') clearly provides that where any retrenchment of the member of the teaching staff in any aided Educational Institution is effected, the State Government or the Competent Authority shall, subject to prescribed rules or orders governing the reservation in posts to Scheduled Castes and Scheduled Tribes and other Backward Classes, appoint such person to a similar post where available in any other aided educational institution.

4. The learned Senior Counsel would further submit that the contention of the learned Additional Advocate General that since salary grant was never paid to the respondents, the Institution in question cannot be considered as an aided Institution and the staff cannot be considered as aided staff cannot be accepted. Learned Senior Counsel submitted that there is no such provision either in the Act or the Rules, which requires that the



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salary for at least one month has to be paid to enable the institution to be considered as an aided institution. Once the State Government has passed an order approving the grant-in-aid, the institution becomes an aided institution with effect from the date of the Government Order.

5. Learned Senior Counsel would further submit that in any case, the grievance of the State and its authorities is against the Institution and therefore, the aided staff should not be penalized for the folly of the Institution in not maintaining the required infrastructure. In any case, having regard to the provision of law, the respondents who are aided teachers have a right to seek retrenchment to any other aided institution in accordance with the provisions of law.

6. We have heard the Additional Advocate General for the appellant-State and its authorities, learned Senior Counsel Sri Ameet Kumar Deshpande for the respondents and perused the appeal memo.



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7. The appellants do not deny the fact that a Government Orders bearing No.ED 175 SEP 2012 and G.O. No.ED 176 SEP 2012, both dated 26.06.2014 as found at Annexures-D and D1 were issued, approving the grant-in-aid to the Institution and the staff mentioned therein. The Government Order also makes it clear that from the date of issuance of the Government Order, the Institution and the staff mentioned therein are entitled for grant-in-aid. The submission of the learned Additional Advocate General that the Government Order also contains a condition, namely condition No.29 that before releasing the grant-in-aid to the staff, the Chief Executive Officer of the Zilla Panchayat shall personally verify and ensure that the requirements and conditions have been satisfactorily fulfilled and that the minimum student strength has been maintained and the bills for which the grant is to be made available in the District and Taluk Treasuries shall be cleared after obtaining a certificate signed by the Chief Executive Officer and therefore, such



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condition not having been fulfilled and no approval is granted by the Chief Executive Officer of the Zilla Panchayath and since no salary attached to the grant-in-aid was ever paid to the respondents, the respondent-Institution cannot be considered as an aided institution or the staff cannot be called as aided staff is required to be considered having regard to the provisions of law as pointed out by the learned Senior Counsel. Nowhere in the provisions either in the Act or the Rules, is there such a prescription that unless salary attached to grant-in-aid is paid to the staff, the staff and the Institution cannot be called as aided Institution. The learned Senior Counsel is right in his submission that when the Government Order itself makes it clear that from the date of the order the staff mentioned in the Government Order are entitled for grant-in-aid, the Institution and the staff are aided. Having regard to the provisions of law as pointed out by the learned Senior Counsel, namely Rules 10 and 11 of the Rules, 1999 and Section 98 of the Act, 1983, it is clear



that from the date of the Government Orders i.e., G.O's. dated 26.06.2014, the Institution and the staff mentioned in the Government Order are entitled for grant-in-aid and the Institution is an aided Institution in terms of the provisions of law. Consequently, the aided teachers are entitled to be retrenched in accordance with law to any other aided Institution.

8. We find from the impugned order passed by the learned Single Judge that the learned Single Judge has taken into consideration the relevant Rules and Section 98 before passing the impugned order. Therefore, we do not find any infirmity in the impugned order passed by the learned Single Judge.

9. Accordingly, we proceed to dismiss the writ appeal. The directions issued by the learned Single Judge to the appellants herein to consider the claim of the respondents herein and act in terms of Rule 11 of the Rules, 1999, shall be complied by the appellants herein as



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expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this order.

10. In view of the above, pending Interlocutory Applications, if any, stand disposed of.

**Sd/-
(R.DEVDAS)
JUDGE**

**Sd/-
(BRUNGESH M)
JUDGE**

LG
List No.: 1 Sl No.: 1.1