



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CIVIL CONTEMPT PETITION NO. 200302 OF 2025

C/W

WRIT APPEAL NO. 200331 OF 2025 (S-RES)

IN CCC No. 200302/2025

BETWEEN:

SARASWATI D/O MARUTI,
AGE : 59 YEARS,
OCC : AAYA IN GOVERNMENT HIGHER PRIMARY
SCHOOL, CHIDRI – 585 403,
TQ: AND DIST: BIDAR.

...COMPLAINANT

(BY SRI NITESH PADIYAL, ADVOCATE)

AND:

1. V. RASHMI MAHESH, I.A.S.,
PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION,
(PRIMARY AND SECONDARY EDUCATION),
ROOM NO.645, 6TH FLOOR,
M. S. BUILDING, BENGALURU – 09.
2. VIKAS KISHOR SURALKAR, I.A.S.,
COMMISSIONER,





DEPARTMENT OF EDUCATION,
NEW PUBLIC OFFICE,
NRUPATHUNGA ROAD, K.R.CIRCLE,
BENGALURU – 560 001.

3. SURESH GOUDA
THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS,
BIDAR - 585 401.
4. MADARKHAN,
THE BLOCK EDUCATION OFFICER,
BIDAR – 585 401.
5. MAHADEVAPPA RAMPURE,
HEAD MASTER,
GOVERNMENT HIGHER PRIMARY SCHOOL,
CHIDRI – 585 403,
TQ: AND DIST: BIDAR.

...ACCUSED / RESPONDENTS

6. THE STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION,
(PRIMARY AND SECONDARY EDUCATION)
ROOM NO.645, 6TH FLOOR,
M.S.BUILDING, BENGALURU – 09.

...PERFORMER PARTY

(BY SRI MALLIKARJUN C. BASAREDDY, GA)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURT ACT, PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE RESPONDENT/ACCUSED AND ORDER FOR TAKING ACTION AS DEEMED FIT INCLUDING PUNISHING THEM INSOFAR AS DISOBEDIENCE OF THE ORDER PASSED IN WP NO.202877/2018 DATED 16.09.2025 WHICH IS AT ANNEXURE-A AND ORDER FOR TAKING ACTION AS DEEMED FIT INCLUDING PUNISHING THE RESPONDENT WITH IMPRISONMENT IN THE INTEREST OF JUSTICE AND ETC.



IN WA NO. 200331/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION,
PRIMARY AND SECONDARY EDUCATION,
ROOM NO.645, 6TH FLOOR,
M.S. BUILDING, BENGALURU - 560 001.
 2. THE COMMISSIONER,
DEPARTMENT OF EDUCATION,
NEW PUBLIC OFFICE, NRUPATHUNGA ROAD,
K.R. CIRCLE, BENGALURU - 560 001.
 3. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS,
BIDAR - 585 401.
 4. THE BLOCK EDUCATION OFFICER,
BIDAR - 585 401.
 5. GOVERNMENT HIGHER PRIMARY SCHOOL,
THROUGH THE HEAD MASTER,
CHIDRI, BIDAR - 585 403.
- ...APPELLANTS

(BY SRI MALLIKARJUN C. BASAREDDY, GA)

AND:

SARASWATI D/O MARUTI,
AGED ABOUT 53 YEARS,
OCC: AAYA,
IN GOVT. HIGHER PRIMARY SCHOOL,
CHIDRI - 585 403, TQ: DIST: BIDAR.

...RESPONDENT

(BY SRI NITESH PADIYAL, ADVOCATE)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 16.09.2025 PASSED IN WRIT PETITION NO.202877/2018 (S-R) AND ETC.

THIS CCC AND WRIT APPEAL ARE, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

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

The State Government is in appeal challenging an order dated 16.09.2025 passed by the learned Single Judge in W.P.No.202877/2018.

2. Briefly stated the facts are that the respondent was appointed as an Aaya on temporary basis by the Assistant Education Officer, Bidar vide order dated 20.08.1984. The respondent claimed that she had worked ever since then without any blemish. However, she was continued on temporary basis and was not regularised. She therefore sought for regularisation of her service.



3. The learned Single Judge in terms of the order dated 16.09.2025, directed regularisation of the service of the respondent. Being aggrieved by the said order, the State is in appeal.

4. The learned Principal Government Advocate submitted that the learned Single Judge has proceeded on the assumption that a notification was issued by the Assistant Education Officer and an interview was conducted where the respondent appeared and she fared well and accordingly, an appointment order was issued. He contends that this finding of the learned Single Judge is false as a perusal of the order of appointment shows that the respondent was appointed temporarily as the incumbent Smt.Lalithabai was absent from work since 01.08.1984. He therefore contends that the appointment of the respondent was temporary and hence she was not entitled to be regularised. In support of his contention, he referred to a government order dated 16.08.2024 stating that, Aayas who were appointed against non-sanctioned



posts cannot be treated as Group-D employees and they are not entitled to retirement and pension benefits. He contends that the respondent admitted that an endorsement was issued to her rejecting her request and therefore, she is bound to challenge the same in accordance with law.

5. *Per contra*, the learned counsel for the respondent submits that the complainant is appointed in the year 1984 and she is continued in service ever since then till date. He therefore contends that the learned Single Judge was right in directing the regularisation of the services of the respondent. In support of his contention, he relied upon the following judgments :

- i) 2025 SCC OnLine SC 221 – Shripal and another v. Nagar Nigam, Ghaziabad;
- ii) 2024 SCC OnLine SC 3826 – Jaggo vs. Union of India and others;
- iii) 2026 SCC OnLine SC 129 – Bhola Nath vs. The State of Jharkhand and others.



6. We have considered the submissions made by the learned Principal Government Advocate as well as the learned counsel for the respondent.

7. A perusal of the order passed by the learned Single Judge goes to show that the respondent was appointed in the year 1984, although on temporary basis. However, the appellants have not taken any steps to terminate the services of the respondent, but have allowed her to continue from the year 1984 till date. The Apex Court in **Jaggo, Bhola Nath and Shripal's** (supra) has held that in respect of Group-D posts, the rigor of the judgment in the case of **State of Karnataka v. Umadevi – (2006) 4 SCC 1** cannot be applied. Therefore, the learned Single Judge was right in directing the regularisation of the services of the respondent. Consequently, the challenge to the order passed by the learned Single Judge is without any basis and is liable to be rejected. Hence, W.A.No.200331/2025 filed by the State Government is **dismissed**. Time for compliance of



the order passed by the learned Single Judge is two months from today.

8. In view of the above, the contempt petition filed by the respondent is ***closed*** for the time being. However, liberty is reserved to the complainant to seek revival of the contempt petition, in the event the State Government fails to comply with the order passed by the learned Single Judge.

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

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

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List No.: 1 Sl No.: 14