HC-KAR
NC: 2026:KHC:56035
WP No. 34274 of 2025
CNR: KAHC010732242025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 34274 OF 2025 (S-RES)

BETWEEN:

1. SMT. POORNIMA D.
   W/O C D ASHOK KUMAR,
   AGE ABOUT 56 YEARS,
   WORKING AS SENIOR LECTURER
   IN E AND C DIVISION,
   D V S POLYTECHNIC COLLEGE,
   SIR M V ROAD, BASAVESHWARA CIRCLE,
   SHIVAMOGGA.

2. SMT. JYOTHI PRASHANT
   W/O PRASHANTH KUMAR,
   AGE ABOUT 56 YEARS,
   WORKING AS SENIOR LECTURER
   IN MECHANICAL ENGINEERING,
   D V S POLYTECHNIC COLLEGE,
   SIR M V ROAD, BASAVESHWARA CIRCLE,
   SHIVAMOGGA.

3. SRI. CHANDRAPPA H.
   S/O BASAPPA H,
   AGE ABOUT 66 YEARS,
   RETIRED LECTURER IN CIVIL ENGINEERING,
   D V S POLYTECHNIC COLLEGE,
   SIR M V ROAD, BASAVESHWARA CIRCLE,
   SHIVAMOGGA.

Digitally signed by VIDYA G R
Location: HIGH COURT OF KARNATAKA

R/AT SREE SHYLA MALLIKARJUNA NILAYA,
B BLOCK VINOBANAGAR,
J H PATEL EXTENSION,
NEAR RAVISHANKAR VIDYA MANDIR,
SHIVAMOGGA 577204.

4. SRI. UMESH KUMAR
S/O NARAYAN PANDIT,
AGE ABOUT 64 YEARS,
RETIRED LECTURER IN CIVIL ENGINEERING,
D V S POLYTECHNIC COLLEGE,
SIR M V ROAD, BASAVESHWARA CIRCLE,
SHIVAMOGGA.
R/AT K.NUTHANA NILAYA,
OLD POST OFFICE ROAD,
SARAVARKAR NAGAR,
SHIVAMOGGA 577202.

…PETITIONERS

(BY SRI. JANARDHANA G., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
MINISTRY OF HIGHER EDUCATION,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO EDUCATION,
VIDHANA SOUDHA,
BANGALORE 560001.

2. THE COMMISSIONER FOR COLLEGIATE
AND TECHNICAL EDUCATION,
GOVERNMENT OF KARNATAKA,
SESHADRI ROAD,
BENGALURU 560001.

3. THE DIRECTOR OF TECHNICAL EDUCATION,
PALACE ROAD,
BENGALURU 560001.

4. THE PRINCIPAL,
D V S POLYTECHNIC,
D V S POLYTECHNIC COLEGE,
AIDED BY GOVERNMENT OF KARNATAKA,
SHIVAMOGGA 577201.

…RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 TO R3;
NOTICE TO R4 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING ACT-7/2014, THE KARNATAKA PRIVATE AIDED EDUCATIONAL INSTITUTIONS EMPLOYEES (REGULATION OF PAY, PENSION AND OTHER BENEFITS) ACT, 2014 VIDE ANNEXURE-J AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Learned counsel for the petitioners has filed a memo seeking for dispensation of notice to respondent No.4. In light of the memo filed, issuance of notice to respondent No.4 is dispensed with.

2. The petitioners have challenged the validity of the Act-7/2014 i.e., the Karnataka Private Aided Educational Institutions Employees (Regulation of Pay, Pension and other Benefits) Act, 2014. The petitioners have also sought for extension of benefits as may flow from the order passed in W.P.No.21216/2014.

3. At the time of consideration of the matter, reliance is placed on the order passed in W.A.No.2476/2015 and connected matters dated 24.07.2026.

4. A perusal of the said order would reveal that writ petitions assailing the constitutional validity of the Act

in question was allowed and W.P.No.21216/2014 and connected matters came to be allowed. The same was challenged in W.A.No.2476/2015 and connected matters.

5. Learned Government Advocate appearing for the respondents submits that while the order in writ petition was affirmed, however the nature of relief that flows to the petitioners is on the basis of the observations made in para 61 of the order in appeal. Taking note of the same and on perusal of para 61, the present petition could be disposed of.

6. Para 61 of the judgment reads as follows:

> *"61. It is also necessary to clarify the extent of the relief that would flow from the present judgment. The issue involved in the present batch of matters is confined to whether the service rendered by employees during the non-grant period is liable to be reckoned for the purpose of fixation of pay and other consequential service benefits. Neither the provisions governing grant-in-aid nor the statutory framework casts any liability upon the State to pay salary for the period prior to admission of the post to grant-in-aid. As produced supra, Annexure-I of Rules, 1999 would make it abundantly clear that the management shall be liable for payment of salary and other benefits till the date such posts are*

admitted into grant-in-aid. The liability to pay salary during the non-grant period continues to rest upon the management of the concerned institution. Consequently, the service rendered during the said period shall be taken into account only for the purpose of notional fixation of pay as on the date of admission of the post to grant-in-aid and for extending consequential benefits such as pension and other service benefits. The employees shall not be entitled to claim arrears of salary or any other monetary benefits from the State for the period preceding the admission of the post to grant-in-aid."

Taking note of the above, entitlement of the petitioners would be as observed by the Court in the observations contained in para 61.

7. Accordingly, the petition is allowed. Respondents No.2 and 3 to take note of the observations made above and reckon service of the petitioners from the date of appointment i.e., appointment pre grant-in-aid for the purpose of notional fixation of pay in order to calculate benefits such as pension and other service benefits. Such consideration to be completed within a period of six (6) months.

Accordingly, the petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 1 Sl No.: 6