



CNR: KAHC010196742025

NC: 2026:KHC:46388-DB
WA No. 458 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF AUGUST, 2026
PRESENT
THE HON'BLE MR. JUSTICE D K SINGH
AND
THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN
WRIT APPEAL NO. 458 OF 2025 (S-RES)

BETWEEN:

1. STATE OF KARNATAKA
DEPARTMENT OF PRIMARY AND
SECONDARY EDUCATION
M S BUILDING,
DR AMBEDKAR VEEDHI
BANGALORE-560 001.
REPRESENTED ITS PRINCIPAL SECRETARY.
2. THE COMMISSIONER PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD,
BANGALORE-560 001.
3. THE DEUTY DIRECTOR OF PUBLIC INSTRUCTIONS
HASSAN DISTRICT,
HASSAN-573 201.

...APPELLANTS

(BY SRI. RAVINDRANATH, AGA)

AND:

1. YOGESH K
S/O SRI KRISHNEGOWDA D
AGED ABOUT 50 YEARS,
OCCUPATION ASSISTANT TEACHER,
W/A HEMAVATHI HIGH SCHOOL, GORURU,
HASSAN TALUK, HASSAN DISTRICT-573 120.

Digitally
signed by
MALAK N
Location:
High Court
of Karnataka



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2. MANASA VIDYA SAMSTHE (R)
GORUR HASSAN TALUK,
HASSAN DISTRICT-573 120.
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. G.M. CHANDRASHEKAR, ADVOCATE FOR C/R1(CP No.5594/2025))

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO 1. ALLOW THIS WRIT APPEAL, 2. SET ASIDE THE ORDER DATED 23.07.2024 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No. 14058/2023 (S-RES), 3. GRANT SUCH OTHER ORDER OR DIRECTION AS THIS HONBLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

Sri. Ravindranath, learned Additional Government Advocate appearing for the appellant-State fairly concedes that the subject mater of this appeal is squarely covered by the judgment of the Coordinate Bench of this Court



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dated 24.07.2026 passed in W.A.No.2467/2015 and other connected appeals.

2. Paragraphs 58 to 61 of the said judgment read as under:

"58. The aforesaid decision lays down that mere financial constraints or burden on the State exchequer cannot be a reason to deny a benefit to a similarly situated employee. A perusal of the Statement of Objects and Reasons appended to Act No. 7 of 2014 and Act No. 5 of 2015 would indicate that the predominant object behind the enactment of the impugned Acts was to avoid the substantial financial liability that would arise upon implementation of the orders/judgments rendered by this Court. However, once it has been held that the employees of private aided educational institutions are similarly situated to government employees, possessing the same qualifications and discharging identical duties, mere financial difficulties cannot amount to a constitutionally permissible basis for denying them parity in service benefits. Consequently, even assuming that the impugned enactments disclose an intelligible differentia, the object sought to be achieved, namely, reduction of financial burden on the State, bears no rational nexus to the discriminatory classification introduced by the impugned enactments. The impugned Acts, therefore, fail to satisfy the second limb of the test Le, the differentia having rational nexus with the objects sought to be achieved by the law and hence, are able to be struck down on this ground as well.



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59. Moreover, Section 49 of Act, 1983 requires State Government to set apart a sum of money annually for being given as grant-in-aid to local authority institutions and private institutions in the State within the economic capacity of the State. Section 49 (1) of Act, 1983 reads as follows:

"49. Government to set apart sum for giving grant-in-aid to certain recognised institution.- (1) The State Government shall within the limits of its economic capacity, set apart a sum of money annually for being given as grant-in-aid (hereinafter in this Act referred to as grant) to local authority institutions and private institutions in the State recognised for this purpose in accordance with rules made in this behalf."

60. Prior to amendment, Section 87 of Act, 1983 prescribed the minimum qualifications for recruitment, age of recruitment and retirement and benefits of retirement of employees in private educational institutions similar to that of corresponding employees of State institutions. Section 49 of Act, 1983 requires State Government within its economic capacity to set apart grant-in-aid. Both the above Sections read harmoniously require the State to maintain the same standard of education in private educational institutions that of Government institutions. It is the bounden responsibility of the State to provide similar benefit in all respects that are available to State Government teachers to that of teachers of private educational institutions, that too, when the private educational institutions are discharging the duties and responsibilities of State in the matter of imparting education.

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



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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-1 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."

3. Thus, the service rendered during the period before the institution was taken in grant-in-aid, has been directed to be taken into account for the purpose of notional fixation of pay, as on the date of admission of the post in grant-in-aid and for extending consequential benefits, such as pension and other service benefits,



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however, such employees would 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 in grant-in-aid.

4. We may note that the petitioner is claiming for him to be taken into grant-in-aid with effect from 04.08.2005 for which he had filed Writ Petition in 2023. The Writ Court without looking at the gross delay and laches has allowed the writ petition. We, therefore, set aside the judgment and order passed by the learned Single Judge, so far as the grant of the relief to the petitioner for extending the benefits of grant-in-aid with effect from 2005 are concerned. A person who sleeps over his right and approaches the Court with gross delay and laches is not entitled for discretionary relief under Article 226 of the Constitution of India.

5. Learned counsel for the caveator/respondent No.1 has relied on the judgment of the Supreme Court in



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the case of **M.R. Gupta Vs. Union of India and Others** reported in **1995 SCC (5) 628**, but we are of the view that this judgment is not applicable to the facts and circumstances of the present case.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BVK
List No.: 1 Sl No.: 8