

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF DECEMBER 2016

BEFORE

THE HON'BLE MR.JUSTICE RAGHVENDRA S. CHAUHAN

WRIT PETITION Nos.805-824/2014 C/W
WRIT PETITION Nos.825-835/2014 C/W
WRIT PETITION Nos.5693-5780/2014 (S-RES)

IN WP Nos.805-824/2014:

BETWEEN :

1. HARI PRAKASH S. P.
S/O. PUTTASWAMY,
AGED 43 YEARS,
109, MANGANAHALLI,
SULIKERE POST,
YESHWANTHAPURA HOBLI,
BANGALORE - 560 060.
2. G. SHANTHAMMA
W/O. GIRIYAPPA,
AGED 40 YEARS,
3RD MAIN, 3RD CROSS,
PPLC, POORNAPRJNA LAYOUT,
KATRIGUPPE,
BANGALORE – 560 085.
3. BASAVARAJU Y.
S/O. YELLAPPA,
AGED 41 YEARS,
53, DUBASI PALYA, NK PHARM,
RV COLLEGE POST, MYSORE ROAD,
BANGALORE – 560 059.
4. PADMA
W/O. GUNDSHETTY,
AGED 36 YEARS,
82, AGS LAYOUT,

SRINIVAS COLONY, 4TH CROSS,
SUBRAMANYAM NAGAR POST,
BANGALORE – 560 084.

5. HANUMANTHA Y. K.
S/O. KENCHIAIH,
AGED 36 YEARS,
#36/A, 7TH CROSS,
MARUTHI NAGAR, ITTAMADU,
BANGALORE - 560 085.
6. KANTHARAJ K.
S/O. KARIYAPPA,
AGED 34 YEARS,
POLOHALLI,
KARALAMANGALA POST,
MADBAL HOBLI, MAGADI TALUK,
RAMANAGAR DISTRICT - 562 120.
7. TIMMESH D.
S/O. DASAPPA,
AGED 37 YEARS,
36, DHARMASHASTA NILAYA,
4TH CROSS, GOPALAPPA LAYOUT,
MANORAYANA PALYA,
SULTAN PALYA,
BANGALORE - 560 032.
8. MANJUNATH D.
S/O. DASAPPA,
AGED 28 YEARS,
NAGADEVANAHALLI,
JNANABHARATHI POST,
BANGALORE – 560 056.
9. T. V. LOKESH
S/O. VENKATARAMU,
AGED 28 YEARS,
115/20, 5TH CROSS, 5TH MAIN,
DP LAYOUT, BSK 3RD STAGE,
BANGALORE – 560 085.

10. S. NIRMALA
W/O. DINESH,
AGED 43 YEARS,
198/1, GAVIPURAM WEST,
BANGALORE - 560 019.
11. PRAKASH M.
S/O. MANJEGOWDA,
AGED 29 YEARS,
19, MUNESHWARA NAGAR,
NEAR GOVT. ITI COLLEGE,
HOSAKEREHALLI,
BANGALORE – 560 085.
12. SRINIVASA MURTHY N.
S/O. NARAYANAPPA,
AGED 29 YEARS,
24/1, 13TH CROSS, 2ND MAIN,
B. K. NAGAR, YESHWANTHPUR,
BANGALORE - 560 022.
13. M. S. MAHALINGAIAH
S/O. SANNAIH,
AGED 31 YEARS,
MARASHETTAHALLI POST,
GOLLARAHATTI,
KADABA HOBALI,
TUMKUR DISTRICT - 572 225.
14. ANIL KUMAR C. R.
S/O. RAJU,
AGED 24 YEARS,
109, MANGANAHALLI,
SULIKERE POST,
YESHWANTHAPUR HOBLI,
BANGALORE – 560 060.
15. ANAND KUMAR M.
S/O. MALLAIAH,
AGED 26 YEARS,
NAGADEVANAHALLI,
DODDGOLLARAHATTI,
JNANABHARATI POST,
BANGALORE – 560 056.

16. B. MANJUNATHA
S/O. BOREGOWDA,
AGED 31 YEARS,
261, 6TH MAIN,
SRINAGAR PIPELINE,
BANGALORE - 560 050.
17. MAHENDRA S.
S/O. SHIVANNA,
AGED 27 YEARS,
#1212, MATHA STREET, KOTE
CHANNAPATTANA,
RAMANAGAR - 562 160.
18. HEMANTHA
S/O. LATE KARIYAPPA,
AGED 38 YEARS,
POLOHALLI,
KARAMANGALA POST,
MADBALU HOBLI, MAGADI TALUK,
RAMANAGAR DISTRICT - 562 120.
19. R. P. MADESH
S/O. PAPANNA,
AGED 36 YEARS,
RAMPURA HOBLI,
CHENNAAPATTANA TALUK,
RAMANAGAR DISTRICT - 571 501.
20. MARAYYA
S/O. UCHAPPA,
AGED 48 YEARS,
NAGADEVANA HALLI,
NEAR BOOTHAPPA TEMPLE,
1ST MAIN, 1ST D CROSS,
BANGALORE - 560 056.

... PETITIONERS

(BY SRI VIKAS ROJIPURA, ADVOCATE)

AND :

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M. S. BUILDING,
BANGALORE - 560 001.
2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
REPRESENTED BY ITS REGISTRAR,
4TH 'T' BLOCK, JAYANAGAR,
BANGALORE - 560 041.
3. ALL INDIA COUNCIL OF
TECHNICAL EDUCATION (AICTE),
7TH FLOOR, CHANDERLOK BUILDING,
JANPATH,
NEW DELHI - 110 001
4. PHARMACY COUNCIL OF INDIA
COMBINED COUNCIL'S BUILDING,
KOTLA ROAD, AIWAN-E-GHALIB MARG,
NEW DELHI -110 002.
5. PEOPLES EDUCATION SOCIETY
REPRESENTED BY ITS SECRETARY,
50 FEET ROAD, HANUMANTHNAKAR,
B.S.K 1ST STAGE,
BANGALORE - 560 050.
6. PES PHARMACY COLLEGE
REPRESENTED BY ITS PRINCIPAL,
50 FEET ROAD, HANUMANTHNAKAR,
B.S.K 1ST STAGE,
BANGALORE - 560 050. ... RESPONDENTS

(BY SRI S. N. MURTHY, SENIOR ADVOCATE FOR
SRI SOMASHEKAR, ADVOCATE FOR R5 & R6;
SRI E. S. INDIRESH, AGA FOR R1;
M/s. D.L.J. ASSTS, ADVOCATE FOR R2;
SRI S. S. HAVERI, ADVOCATE FOR R4;
SMT. SONA M. BADIGER, ADVOCATE FOR R3)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT TO THE RESPONDENT-5 AND RESPONDENT-6 TO PAY TO THE PETITIONERS SALARIES IN THE PAY SCALES ADMISSIBLE TO EMPLOYEES WORKING IN CORRESPONDING POSTS IN GOVERNMENT EDUCATIONAL INSTITUTIONS AND TO GRANT ALL OTHER CONSEQUENTIAL BENEFITS FLOWING THEREFROM, AND, ALSO, TO PAY ARREARS OF SALARY IN THE SAID PAY SCALES FROM THE DATE OF THE PETITIONERS INITIAL APPOINTMENT ALONG WITH REASONABLE INTEREST AND ETC.

IN WP Nos.825-835/2014:

BETWEEN

1. CHINNAPPA
S/O. RAMANNA,
AGED 43 YEARS,
#619, KENGUNTE,
BBMP HOSPITAL, 5TH MAIN,
BANGALORE – 560 056.
2. T. K. GANGADHARAIAH
S/O. KEMPANNAIAH,
AGED 38 YEARS,
#7, BYDARAHALLI,
ULLALA MAIN ROAD,
BANGALORE – 560 091.
3. MURALI G.
S/O. GOVINDARAJ,
AGED 52 YEARS,
#1356, 5TH CROSS,
ASHOK NAGAR, N. R. COLONY,
BANGALORE – 560 050.
4. SUBRAMANI N. E.
S/O. EERAPPA,
AGED 40 YEARS,
#635, 4TH CROSS,
JAYANAGAR, TILAK ROAD,
KOLAR DISTRICT – 563 102.

5. MANJU J.
S/O. JAVARAPPA,
AGED 35 YEARS,
#154, 4TH MAIN, 4TH CROSS,
SRIVASA NAGAR, BSK 1ST STAGE,
BANGALORE – 560 050.
6. GOWRAMMA
W/O. CHINNAIAH,
AGED 44 YEARS,
#3/10, SRINIVAS NILAYA,
2ND CROSS, VIVEKANANDA NAGAR,
BSK 3RD STAGE,
BANGALORE – 560 085.
7. MANJUNATH H.
S/O. HUCHCHAHANUMAIAH,
AGED 30 YEARS,
#619, KENGUNTE,
BBMP HOSPITAL , 5TH MAIN,
BANGALORE – 560 056.
8. B. M. KUMAR
S/O. LATE MUDDAIAH,
AGED 44 YEARS,
#46, 1ST MAIN, SAPTAGIRI LAYOUT,
HANUMAGIRI MANDIRA,
NAGARABAVI , 9TH BLOCK,
2ND STAGE,
BANGALORE – 560 072.
9. N. RENUKA
D/O. C. NANJAIAH,
AGED 29 YEARS,
#11/A, 50 FEET ROAD,
10TH CROSS, RAGHVENDRA BLOCK,
SRINAGAR,
BANGALORE – 560 050.
10. SACHIN NAYAK
S/O. BHARAT NAYAK,
AGED 24 YEARS,
1/18, 3RD MAIN, 4TH CROSS,

DATTATREYA NAGAR, BSK 3RD STAGE,
BANGALORE – 560 085.

11. ANIRUDDHA KULKARNI
S/O. SHYAMARAO KULKARNI,
AGED 24 YEARS,
#163, 12TH CROSS, 1ST BLOCK,
R. T. NAGAR,
BANGALORE – 560 032. ... PETITIONERS

(BY SRI VIKAS ROJIPURA, ADVOCATE)

AND :

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M. S. BUILDING,
BANGALORE - 560 001.
2. THE DIRECTOR OF TECHNICAL EDUCATION
PALACE ROAD,
BANGALORE – 560 001.
3. PEOPLES EDUCATION SOCIETY
REPRESENTED BY ITS SECRETARY,
50 FEET ROAD, HANUMANTHNAGAR,
B.S.K. 1ST STAGE,
BANGALORE – 560 050.
4. PES POLYTECHNIC
REPRESENTED BY ITS PRINCIPAL,
50 FEET ROAD, HANUMANTHNAGAR,
B.S.K. 1ST STAGE,
BANGALORE – 560 050. ...RESPONDENTS

(BY SRI S. N. MURTHY, SENIOR ADVOCATE FOR
SRI SOMASHEKAR, ADVOCATE FOR R3 & R4;
SRI E. S. INDIRESH, AGA FOR R1 & R2)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE
RESPONDENT-3 AND RESPONDENT-4 TO PAY THE

PETITIONERS SALARIES IN THE PAY SCALES ADMISSIBLE TO EMPLOYEES WORKING IN CORRESPONDING POSTS IN GOVERNMENT EDUCATIONAL INSTITUTIONS AND TO GRANT ALL OTHER CONSEQUENTIAL BENEFITS FLOWING THEREFROM, AND ALSO, TO PAY ARREARS OF SALARY IN THE SAID PAY SCALES FROM THE DATE OF THE PETITIONER'S INITIAL APPOINTMENT ALONG WITH REASONABLE INTEREST AND ETC.

IN WP Nos.5693-5780/2014:

BETWEEN

1. THIMMAIAH T.
S/O. THIMMAIAH G.,
AGED 43 YEARS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
BEHIND MARAMMA TEMPLE,
BANGALORE – 560 056.
2. CHIKKANNA N.
S/O. GIRIAPPA,
AGED 24 YEARS,
1, POLOHALLI,
M. KARAMANGALA POST,
MADUBALU HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT-562120.
3. SHIVANNA N.
S/O. NAGAIAH,
AGED 37 YEARS,
POLOHALLI, MADABAL HOBLI,
KARALAMANGALA POST,
RAMANAGARA DISTRICT – 562 120.
4. JAYANNA J.
S/O. JAVARAPPA,
AGED 37 YEARS,
NAGADEVANAHALLIL,
MARAMMA TEMPLE ROAD,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.

5. C. DEVANAND
S/O. CHIKKAIAH B. K.,
AGED 35 YEARS,
59, 1ST CROSS,
BAGEGOWDA LAYOUT,
100 FEET ROAD, HOSAKEREHALLI,
BSK III STAGE,
BANGALORE – 560 085.
6. HUCHAPPA
S/O. GABARIGOWDA,
AGED 38 YEARS,
KANAKAR POST,
MAYASANDRA HOBLI,
TURUVEKERE HOBLI,
TUMKUR DISTRICT -572 225.
7. GEETHA
W/O. RAMAIAH M.,
AGED 45 YEARS,
62, GOTTIGERE,
POLLINAPALLINAGAR,
RAJARAJESHWARINAGAR,
BANGALORE – 560 098.
8. YELLAPPA T. S.
S/O. SIDDAPPA,
AGED 49 YEARS,
322, CHANDRA LAYOUT,
ARUNDATHINAGAR,
BANGALORE – 560 072.
9. RUKMINAMMA
W/O. RAJAPPA,
AGED 55 YEARS,
310, T. R. SHAMANNANAGAR,
RAJAPPA LAYOUT, SRINAGAR,
BANGALORE – 560 050.
10. KUMARI
W/O. GOPAL,
AGED 37 YEARS,
VEERABHADRANAGAR,

CHURCH ROAD, 2ND CROSS,
BSK III STAGE,
BANGALORE – 560 085.

11. KRISHNA S.
S/O. GANAPPA,
AGED 32 YEARS,
11, 1ST MAIN, 1ST CROSS,
VEERABHADRANAGAR,
100 FEET ROAD, BSK III STAGE,
BANGALORE – 560 085.
12. PRABHAKAR S. PATIL
S/O. SHARANAPPA PATIL,
AGED 43 YEARS,
6, 1ST MAIN ROAD,
1ST CROSS, RAMOHALLI POST,
KENGERI HOBLI,
BANGALORE – 560 060.
13. THIMMAPPA D. S.
S/O. DODDADASAPPA,
AGED 33 YEARS,
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
14. THIMMAPPA D.
S/O. CHIKKADASAPPA,
AGED 36 YEARS,
NAGADEVANAHALLI,
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
15. JAYANNA C.
S/O. CHITRAPPA,
AGED 38 YEARS,
NAGADEVANAHALLI,
1ST CROSS, GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.

16. GOVINDA RAJU
S/O. BASAPPA,
AGED 36 YEARS,
216, 4TH CROSS,
CHAMUNDINAGAR,
HOSAKEREHALLI, BSK III STAGE,
GIRINAGAR POST,
BANGALORE – 560 085.
17. JUNJAPPA
S/O. ALATAPPA,
AGED 32 YEARS,
NAGADEVANAHALLI,
NEAR MARAMMA TEMPLE,
GNANABHARATHI POST,
KENGERRI HOBLI,
BANGALORE – 560 056.
18. MUNIRAJU M.
S/O. MUTHAIAH,
AGED 48 YEARS,
66, RAJARAJESHWARINAGAR,
PATTANAGERE,
BANGALORE – 560 098.
19. SHIVAKUMARI
W/O. DEVRAJ,
AGED 33 YEARS,
30, 5TH MAIN ROAD,
3RD CROSS, 100 FEET ROAD,
BSK III STAGE,
BANGALORE – 560 085.
20. GIRESH
S/O. CHIKKANNA,
AGED 25 YEARS,
MAGADI TALUK, MAKABAL HOBLI,
KARAMANGALA POST,
POLAHALLI TALUK,
RAMANAGARA DISTRICT – 562 120.
21. CHANDRASHEKAR B. N.
S/O. NARASIMHAIAH,

AGED 31 YEARS,
56/87, 10TH MAIN ROAD,
5TH CROSS, RAGHAVENDRA BLOCK,
SRINAGAR,
BANGALORE – 560 050.

22. SRINIVASA M.
S/O. MUNISWAMAIAH,
AGED 48 YEARS,
49, 4TH MAIN ROAD,
SRIRAMANAGAR, BSK III STAGE,
BANGALORE – 560 085.
23. SURESH M.
S/O. MARIGOWDA,
AGED 31 YEARS,
246, 1ST MAIN ROAD,
5TH CROSS, VEERABHADRANAGAR,
100 FEET ROAD, BSK III STAGE,
BANGALORE – 560 085.
24. CHANDRASHEKAR M. H.
S/O. HONNEGOWDA T.,
AGED 37 YEARS,
MATHIKERE, SHETTIHALLI POST,
MALUR HOBLI,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT -571 501.
25. SHIVARAJ
S/O. KARIYAPPA,
AGED 28 YEARS,
POLLALLI, MAGADI TALUK,
MADABAL HOBLI,
KARAMANGALA POST,
RAMANAGARA DISTRICT – 562 120.
26. SURESH KUMAR P.
S/O. POOJARAMAIAH,
AGED 27 YEARS,
30, 1ST MAIN, 1ST CROSS,
VEERABHADRANAGAR,
100 FT. ROAD, BSK III STAGE,
BANGALORE – 560 085.

27. MANJUNATH T.
S/O. THIMMIAH T.,
AGED 26 YEARS,
123, 1ST CROSS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERRI HOBLI,
BANGALORE – 560 056.
28. RAMANNA K.
S/O. KALLAIAH,
AGED 28 YEARS,
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
BANGALORE – 560 056.
29. ROOPA R.
W/O. VISHWANATH,
AGED 30 YEARS,
18, 7TH CROSS, 12TH MAIN,
T. R. SHAMANNA NAGAR,
SRINAGAR,
BANGALORE – 560 050.
30. DASEGOWDA
S/O. GANGANNA,
AGED 27 YEARS,
BETHALLI GOLARATI,
KODHUR HOBLI, MAGADI TALUK,
SRIGIRAPURA POST,
RAMANAGARA DISTRICT – 562 120.
31. RANGAIAH M.
S/O. MASAIAH,
AGED 28 YEARS,
88, NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERRI HOBLI,
BANGALORE – 560 056.
32. DODDAYYA
S/O. CHIKKONAIAH,
AGED 36 YEARS,

MALEDODDI,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT – 571 501.

33. MAHARAJ SHARMA
S/O. HUNASHARMA DAS,
AGED 36 YEARS,
60, 2ND CROSS, D'SOUZA NAGAR,
HOSKERHALLI, BSK 3RD STAGE,
BANGALORE – 560 085.
34. GAYATHRI C.
W/O. VENKATARAJU,
AGED 45 YEARS,
23, D'SOUZANAGAR,
BSK III STAGE,
BANGALORE – 560 085.
35. K. N. KALPANA
W/O. RAVI,
AGED 35 YEARS,
14, 7TH MAIN ROAD,
5TH CROSS, DWARAKANAGAR,
BSK III STAGE,
BANGALORE – 560 085.
36. T. KUMAR
S/O. THIMMAPPA T.,
AGED 30 YEARS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
37. UDAY KUMAR
S/O. RAMESHBABU,
AGED 29 YEARS,
410, 10TH MAIN ROAD,
8TH CROSS, BSK III STAGE,
BHUVANESHWARINAGAR,
BANGALORE - 560 085.
38. M. JAVARAPPA
S/O. MARAIAH J.,

AGED 24 YEARS,
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
BANGALORE – 560 056.

39. VASUDEVA B. C.
S/O. CHIKKAIAH B. K.,
AGED 37 YEARS,
59, 1ST CROSS,
BAGEGOWDA LAYOUT,
100 FEET ROAD, HOSAKEREHALLI,
BSK III STAGE,
BANGALORE – 560 085.
40. VIJAYKUMAR M.
S/O. MARAPPA,
AGED 27 YEARS,
123, 1ST MAIN, 2ND CROSS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
BANGALORE – 560 056.
41. RAJU M. C.
S/O. CHIKKONAIAH,
AGED 26 YEARS,
MALEDODDI,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT – 571 501.
42. VENKATAPPA M.
S/O. MARISWAMY,
AGED 29 YEARS,
RAMPURA POST,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT – 571 501.
43. MAHALINGAYYA
S/O. E. CHIKKAIAH,
AGED 25 YEARS,
POLLALLI, MAGADI TALUK,
MADABAL HOBLI,
KARAMANGALA POST,
RAMANAGARA DISTRICT - 562 120.

44. KOWLAPPA T.
S/O. THAMMAYAPPA,
AGED 25 YEARS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
45. RAMANNA S.
S/O. SANNAPPA,
AGED 34 YEARS,
88, NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
46. M. SURESH
S/O. MALLAIAH,
AGED 25 YEARS,
NAGADEVANAHALLI,
MARAMMA TEMPLE,
GNANABHARATHI POST,
BANGALORE – 560 056.
47. M. KRISHNAPPA
S/O. MASAIAH,
AGED 26 YEARS,
28, 2ND MAIN, 2ND CROSS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
48. AJAY KUMAR
S/O. MALAPPA,
AGED 32 YEARS,
NAGADEVANAHALLI,
MARAMMA TEMPLE ROAD,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
49. G. N. BASAMANI
W/O. CHIKKATHAMMIAH,

AGED 35 YEARS,
PATTANAGERE,
RAJARAJESHWARINAGAR,
BANGALORE – 560 098.

50. NARASIMHAIAH N.
S/O. NARASIMHAIAH,
AGED 39 YEARS,
20, 17TH MAIN ROAD,
K.S.B. QUARTERS,
VIJAYANAGAR 2ND PHASE,
BANGALORE - 560 040.
51. V. K. VINAY
S/O. KULLEGOWDA,
AGED 27 YEARS,
164, VITTALAPURA,
K. R. PETE TALUK,
BUKANAKERE,
MANDYA DISTRICT – 571 426.
52. RANGASWAMY D.
S/O. DODASAPPA,
AGED 28 YEARS,
DODDAGOLLARAHATTI,
GNANABHARATHI POST,
KENGERI,
BANGALORE – 560 056.
53. MASAIAH K.
S/O. KARIYAPPA,
AGED 26 YEARS,
8TH MAIN ROAD, R. R. LAYOUT,
NAGADEVANAHALLI,
NEAR R.S.B. SCHOOL,
BANGALORE – 560 056.
54. KASTURI
W/O. RANGASWAMY,
AGED 40 YEARS,
274, VEERABHADRANAGAR,
6TH CROSS, BSK II STAGE,
BANGALORE – 560 070.

55. JAGADEESH
S/O. HANUMANTHIAH,
AGED 29 YEARS,
506, 18TH CROSS, K. B. COLONY,
GIRINAGAR III PHASE,
BANGALORE – 560 085.
56. CHIKKANNA
S/O. GIRIAPPY,
AGED 24 YEARS,
1, POLOHALLI M.,
KARAMANGALA POST,
MADUBALU HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT – 562 120.
57. DINESH KUMAR
S/O. BOREGOWDA,
AGED 26 YEARS,
11, 3RD CROSS,
D'SOUZANAGAR,
BANGALORE – 560 085.
58. LOKESH M.
S/O. MARIRANGAIAH,
AGED 23 YEARS,
DODDAGOLLARAHATTI,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
59. JAYANTHI K
W/O. SRINIVAS T. N.,
AGED 42 YEARS,
961, HOSAKEREHALLI,
4TH MAIN ROAD, BSK III STAGE,
KALIDASANAGAR,
BANGALORE – 560 085.
60. RANGASWAMY T.
S/O. THIMMIAH,
AGED 26 YEARS,
98, 1ST MAIN ROAD,

1ST CROSS, NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.

61. JAVARAPPA
S/O. CHITHAPPA,
AGED 25 YEARS,
NAGADEVANAHALLI,
BEHIND MARAMMA TEMPLE,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
62. GIRISWAMY
S/O. CHIKKANNA,
AGED 24 YEARS,
POLOHALLI M.,
KARAMANGALA POST,
MADUBALU HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT – 562 120.
63. SURESHA H.
S/O. PATTAPPA,
AGED ABOUT 27 YEARS,
DODDAGOLLARAHATTI,
JNANABHARATHI POST,
BANGALORE – 560 056.
64. N. KUMARA
S/O. NAGARAJ,
AGED 23 YEARS,
NAGADEVANAHALLI,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
65. MANJUNATHA D.
S/O. DODDAIAH,
AGED 50 YEARS,
53, 2ND PHASE,
SRI BHUVANESHWARINAGAR,
DOBHIGHAT,

BANGALORE – 560 019.

66. A. K. MOHAN KUMAR
S/O. KENGAGOWDA,
AGED 23 YEARS,
26, AREALPAHALLI,
HOSAKERE HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT – 571 426.
67. B. V. VIJAYKUMAR
S/O. BERANNAGOWDA,
AGED 23 YEARS,
BADRALLI NAGMANGALA TALUK,
MANDYA DISTRICT – 571 426.
68. P. NARASIMHAMURTHY
S/O. POOJARAMAIAH,
AGED 38 YEARS,
30, 1ST MAIN ROAD,
1ST CROSS, VEERABHADRANAGAR,
100 FEET ROAD, BSK III STAGE,
BANGALORE - 560 085.
69. SRINIVASA K. R.
S/O. RAMACHANDRA,
AGED 22 YEARS,
KACHHIGERE, MANDYA TALUK,
MANDYA DISTRICT – 571 426.
70. K. M. SATYA MURTHI
S/O. MAHADEVA,
AGED 25 YEARS,
218, 8TH MAIN ROAD,
NAGADEVANAHALLI, R. R. LAYOUT,
KENGERI HOBLI,
BANGALORE – 560 085.
71. S. MANJUNATH
S/O. SRINIVAS,
AGED 25 YEARS,
31/1, 4TH MAIN ROAD,
4TH CROSS, A. D. HALLI,
MAGADI MAIN ROAD,

BANGALORE – 560 079.

72. K. PREMKUMAR
S/O. KEMPAIAH,
AGED 29 YEARS,
BHADRAPURA, HEJJALA POST,
BIDADI HOBLI,
RAMANAGARA DISTRICT – 562 120.
73. J. JAGADISHA
S/O. JAYARAMMA,
AGED 22 YEARS,
68, 2ND CROSS,
BHEEMANAKUPPE CROSS,
RAMOHALLI, KENGERI,
BANGALORE – 560 060.
74. CHIKKANNA V.
S/O. VEERANNA,
AGED 28 YEARS,
NAGADEVANAHALLI,
MARAMMA TEMPLE ROAD,
GNANABHARATHI POST,
KENGERI HOBLI,
BANGALORE – 560 056.
75. G. B. KUMARA
S/O. BELLAPPAA,
AGED 27 YEARS,
GOLARDUDDI HALASANDRA POST,
CHANNPATANA TALUK,
RAMANAGARA DISTRICT – 571 501.
76. SHIVA K. D.
S/O. DASAPPA,
AGED 23 YEARS,
11, KEERANKALA DODDI,
ANJANAPURA POST,
RAMANAGARA DISTRICT – 562 120.
77. NAVEENA S
S/O. SIDDEGOWDA,
AGED 26 YEARS,
01, 2ND FLOOR, 2ND CROSS,

VINOBA LAYOUT,
AVALAHALLI NEW EXTENSION,
BANGALORE - 560 026.

78. AVINASH S.
S/O. SHIVANNEGOWDA,
AGED 23 YEARS,
20, 1ST MAIN ROAD,
1ST CROSS, ESHWARI SCHOOL ROAD,
HOSAKEREHALLI,
BSK III STAGE,
BANGALORE - 560 085.
79. KUMARA K.
S/O. KANTHA,
AGED 26 YEARS,
95, 3RD MAIN ROAD,
100 FEET ROAD,
JANASHAKTHINAGAR,
HOSAKEREHALLI,
BSK III STAGE,
BANGALORE – 560 085,
80. C. T. RAVINDRA KUMARA
S/O. THAMAIHA,
AGED 38 YEARS,
NO.32, MUNISWARA NAGAR,
HOSEKEREHALLI,
BSK 3RD STAGE,
BANGALORE – 560 085.
81. GIRISHA B.
S/O. BOJAPPA,
AGED 25 YEARS,
NAGADEVANAHALLI,
JNANABHARATHI POST,
BANGALORE – 560 056.
82. E. SAGAYA RAJ
S/O. ENASAPPA,
AGED 34 YEARS,
203,VERABHADRANAGARA,
4TH CROSS, HOSAKEREHALLI,
BSK 3RD STAGE,

BANGALORE – 560 085.

83. MAN BHADUR
S/O. RAMBAHADUR,
AGED 39 YEARS,
203, VERABHADRANAGARA,
4TH CROSS, HOSAKEREHALLI,
BSK 3RD STAGE,
BANGALORE – 560 085.
84. SATHYA RANI
AGED 45 YEARS,
W/O. AROKYADAS,
133, 8TH CROSS,
OPP. PESIT COLLEGE,
VEERABHADRA NAGAR,
BANGALORE – 560 085.
85. SARASWATHI S
W/O. RAVI V. R.,
AGED ABOUT 30 YEARS,
42, 10TH CROSS,
BALAJI NAGAR, ITTAMADU,
BSK 3RD STAGE,
BANGALORE – 560 085.
86. YAMUNAMMA
W/O. SUBRAMANYA,
AGED ABOUT 48 YEARS,
42, 10TH CROSS,
BALAJI NAGAR, ITTAMADU,
BSK 3RD STAGE,
BANGALORE – 560 085.
87. MANJU
W/O. BHASKAR,
AGED 32 YEARS,
2, 14TH A MAIN ROAD,
HOSAKEREHALLI MAIN ROAD,
BANGALORE – 560 085.
88. SUSHEELAMMA
W/O. JAYARAMU, AGED 35 YEARS,
222, B JANATHA COLONY,

1ST CROSS, MARIYAPPANA PALYA,
JANANABHARATHI POST,
BANGALORE – 560 056.

... PETITIONERS

(BY SRI VIKAS ROJIPURA, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
M. S. BUILDING,
BANGALORE - 560 001.
 2. THE DIRECTOR OF TECHNICAL EDUCATION
PALACE ROAD,
BANGALORE - 560 001.
 3. ALL INDIA COUNCIL OF
TECHNICAL EDUCATION (AICTE),
REPRESENTED BY ITS CHAIRMAN,
7TH FLOOR, CHANDERLOK BUILDING,
JANPATH,
NEW DELHI – 110 001.
 4. VISVESVARAYA TECHNOLOGICAL
UNIVERSITY,
BELGAUM – 590 018,
REPRESENTED BY ITS REGISTRAR.
 5. PEOPLES EDUCATION SOCIETY
50 FEET ROAD, HANUMANTHNAKAR,
B.S.K. 1ST STAGE,
BANGALORE – 560 050,
REPRESENTED BY ITS SECRETARY.
 6. PES INSTITUTE OF TECHNOLOGY
100 FEET RING ROAD,
BSK III STAGE,
BANGALORE – 560 085,
REPRESENTED BY ITS PRINCIPAL. ...RESPONDENTS
- (BY SRI S. N. MURTHY, SENIOR ADVOCATE FOR
SRI SOMASHEKAR, ADVOCATE FOR R5 & R6;

SRI E. S. INDIRESH, AGA FOR R1 & R2;
SMT. SONA M. BADIGER, ADVOCATE FOR R3;
SRI P. KARUNAKAR, ADVOCATE FOR R4)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS-5 AND 6 TO PAY TO THE PETITIONERS SALARIES IN THE PAY SCALES ADMISSIBLE TO EMPLOYEES WORKING IN CORRESPONDING POSTS IN GOVERNMENT EDUCATIONAL INSTITUTIONS AND TO GRANT ALL OTHER CONSEQUENTIAL BENEFITS FLOWING THEREFROM, AND, ALSO, TO PAY ARREARS OF SALARY IN THE SAID PAY SCALES FROM THE DATE OF THE PETITIONERS INITIAL APPOINTMENT ALONG WITH REASONABLE INTEREST AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

Aggrieved by the non-payment of the same pay scale as is being paid to the employees of the corresponding post in the Government Educational Institutions, the petitioners have approached this court by filing different writ petitions. Since the petitions arise from similar facts, and raise common issue of law, all the writ petitions are being decided by this common order. The facts are being taken from Writ Petition Nos. 805-824/2014.

2. In a nutshell, the facts of the case are that the Peoples Education Society, the respondent No.5, has established several educational institutions, including Pre-University Colleges, Degree College, Pharmacy College, Polytechnic College, and Engineering College throughout Karnataka. Between the years 1991-2006, the petitioners were appointed on various non-teaching posts in the PES Pharmacy College, the respondent No.6. Since the petitioners are working against the Group-D post, either as an "Attender", or as a "Sweeper", they have been left at the mercy of the employer. So far, they are being paid meagre salaries despite the prohibition in the law that they cannot be paid the pay scale lower than the pay scale applicable to the employees of a corresponding post in the Government Educational Institutions. Since the respondent Nos.5 and 6 have violated the said prohibition, the petitioners have knocked at the doors of this court.

3. Mr. S.N. Murthy, the learned Senior Counsel for respondent Nos. 5 and 6, has raised a preliminary objection with regard to the maintainability of the present writ

petition. Relying on the case of **Federal Bank Ltd. v. Sagar Thomas and Others [(2003) 10 SCC 733]**, the learned Senior Counsel has pleaded that while respondent No. 5 is a Society, respondent No. 6 is a Private College run by the Telugu speaking minority community. Therefore, a writ would not lie either to respondent No. 5, or to respondent No. 6. Hence, the writ petition is not maintainable.

4. On the other hand, Mr. Vikas Rojipura, the learned counsel for the petitioners, submits that the issue whether a writ would lie against a Private College, or a Society, is no longer *res integra*. In order to buttress his plea, the learned counsel has relied upon the case of **Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust and Others v. V. R. Rudani and Others [(1989) 2 SCC 691]**, and the case of **K. Krishnamacharyulu and Others v. Sri Venkateswara Hindu College of Engineering and Another [(1997) 3 SCC 571]**. The learned counsel has pleaded that the words “any person or authority” used in Article 226 of the Constitution of India, is wider than the word “authority”

used in Article 12 of the Constitution of India. As long as the person, or the authority performs a public duty, and the petitioners seek the enforcement of a civil right, or a statutory right, then, such a person, or authority would be amenable to the writ jurisdiction under Article 226 of the Constitution of India.

5. Heard the learned counsel for the parties on the preliminary objection.

6. In the case of ***K. Krishnamacharyulu and Others*** (*supra*), the Apex Court dealt with the case of non-teaching staff who were working in a private college. The appellants therein had sought for 'equal pay for equal work' on par with the other Government employees. It is in this context that the Hon'ble Supreme Court observed that "*since the appellants are insisting upon enforcement of their right through the judicial pressure, they need and seek the protection of law. We are of the view that the State has obligation to provide facilities and opportunities to the people to avail of the right to education. The private institutions cater*

to the need of providing educational opportunities. The teacher duly appointed to a post in the private institution also is entitled to seek enforcement of the orders issued by the Government. The question is as to which forum one should approach. The High Court has held that the remedy is available under the Industrial Disputes Act. When an element of public interest is created and the institution is catering to that element, the teacher, being the arm of the institution, is also entitled to avail of the remedy provided under Article 226; the jurisdiction part is very wide. It would be a different position if the remedy is a private law remedy. So, they cannot be denied the same benefit, which is available to others. Accordingly, we hold that the writ petition is maintainable."

Similarly, in the present case, the petitioners are seeking the enforcement of their statutory right under Rule 5 of the Karnataka Private Educational Institutions (Discipline and Control) Rules, 1978 ("the Rules of 1978", for short). Moreover, they are working for an educational institution which performs a public duty by imparting education to a

section of the public. Since Respondent Nos. 5 and 6 are performing a public function, they are amenable to the writ jurisdiction of this Court. Thus, the writ petition is maintainable. Therefore, the preliminary objection raised by the learned Senior Counsel is clearly unacceptable.

7. Mr. Vikas Rojipura, the learned counsel for the petitioners, has raised the following contentions before this court:-

Firstly, Rule 5 of the Rules of 1978 clearly prescribes that the scale of pay of an employee of an educational institution shall not be lower than the scale of pay of an employee of a corresponding post in the Government Educational Institutions. Thus, the said provision contains a bar which prohibits the institution from paying, to its employees, a pay scale lower than the pay scale applicable to an employee of a corresponding post in the Government Educational Institutions.

Secondly, the said provision is a beneficial piece of legislation as it protects the employees of a Private

Educational Institutions from exploitation at the hand of the Management by placing the employee on par with an employee of the corresponding post engaged in the Government Educational Institutions. Therefore, the said provision should be given as liberal an application as possible by the court.

Thirdly, the pay scales for the employees of the Government Educational Institutions were reformulated upon the recommendations of Official Pay Committee, 2011. The recommendations of the Committee were accepted by the State Government by its order dated 21.04.2012. However, despite the pay scales available to the employees in the corresponding post working in the Government Educational Institutions, the petitioners are being denied the same pay scale by respondent Nos. 5 and 6. Therefore, the said respondents are violating the prohibition contained in Rule 5 of the Rules of 1978.

8. On the other hand, Mr. S.N. Murthy, the learned Senior Counsel for respondent Nos. 5 and 6, has raised the following pleas:-

Firstly, the Rules of 1978 are no longer applicable. For, subsequently, the Karnataka Education Act, 1983 ("the Act" for short) has come into force. Under the Act, the Karnataka Educational Institutions Collegiate Education Rules, 2003 ("the Rules of 2003" for short) have been promulgated. However, the Rules of 2003 are applicable only to the Private Aided and Affiliated College. Therefore, the said Rules of 2003 are inapplicable to the unaided Private Colleges, such as the respondent Nos. 6.

Secondly, since the Rules of 1978 have been repealed, the prohibition contained in Rule 5 of Rules of 1978 is inapplicable to the respondent Nos. 5 and 6. Since the respondent Nos. 5 and 6 are running a private unaided college, they are free to prescribe a pay scale for their employees in accordance with their own financial conditions.

Hence, the learned counsel for petitioners is unjustified in relying upon Rule 5 of Rules of 1978.

Thirdly, since the respondent Nos. 5 and 6 are not receiving any aid from the Government, if they are forced to pay the same pay scale as applicable to Government employees, then the respondents may find it difficult to run the Pharmacy College. Thus, an onerous financial burden cannot be placed by the Court. Moreover, considering the fact that Private Unaidsed Colleges have to generate their own finances, therefore, the Rules of 2003 have not been applied upon the Private Unaidsed Colleges.

9. In rejoinder, Mr. Rojipura submits that the position taken by the learned Senior Counsel is clearly untenable. For, Section 146 of the Act clearly stipulates that all Rules issued before the commencement of the Act and in force on the date of such commencement providing for, or relating to any other matters for furtherance of this Act, shall continue to be in force and be effective as if they are made under the corresponding provisions of this Act. Therefore, even if the

Rules of 2003 do not cover the case of a Private Unaided College, the Private Unaided College will continue to be governed by the Rules of 1978. Hence, the bar placed by Rule 5 of the Rules of 1978 would be applicable to respondent Nos. 5 and 6. In order to buttress this contention, the learned counsel has relied on the cases of **S.S. Anand and Others v. The Management of Mahatma Gandhi Vidyapeeth (Regd.) Bangalore and Another [(1998) 3 KAR. L.J. 293]** and **Vidyhavardhaka Sangha (R) and Another v. Smt. K. Meera Bai and Another [Writ Petition Nos.54161-54162/2016, decided on 14.11.2016 by this Court]**

Secondly, the argument placed by the learned Senior Counsel that no law governs the functioning of the Private Unaided College cannot be accepted. For, such an argument would imply that Private Unaided Colleges have unbridled, and unfettered power to exploit their employees. Such an argument would be violative of Articles 14, 21 and 23 of the Constitution of India.

Thirdly, the respondent Nos. 5 and 6 who are running large number of schools and Colleges throughout the State cannot plead financial constraints in order to violate the Rules of 1978.

10. Heard the learned counsel for the parties, and considered the case law cited at the Bar.

11. The issue before this court is whether with the enactment of the Act, and with the promulgation of the Rules of 2003, the Rules of 1978 have become a dead letter or not? Or do the Rules of 1978 continue to hold the field as far as the Private Unaided Colleges are concerned or not?

12. Admittedly, the Act has repealed and replaced the earlier Karnataka Private Educational Institutions (Discipline and Control) Act, 1975. Undoubtedly, the Rules of 2003, dealing with the Aided Private Colleges, have been issued under the Act. Thus, the Rules of 2003 clearly cover only the aided Private Educational Institutions. However, the relevant extract of Section 146 of the Act is as under:

“ 146. Repeal and Savings.

(3) Notwithstanding anything contained in this Act, all rules, orders, notifications, Grant in aid Codes, appointments, schemes, bye laws, regulations, official memoranda circulars or any other orders made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any notification, Grant in aid code, rule, order, appointment, scheme, bye law, regulation, official memorandum, circular or any other order made or issued under this Act.

The Rules of 1978 were made and issued prior to the Act coming into force. They relate to the pay scale which would be payable to the staff of a Private Unaids Educational Institutions. Since the Rules of 1978 have not been repealed by any other rules, the said Rules would continue to cover the field of Private Unaids Educational Institutions. Hence, the learned Senior Counsel is unjustified

in claiming that after the enactment of the Act, after the framing of the Rules of 2008, the Rules of 1978 are no longer in force. Such a contention ignores the existence of Section 146 of the Act.

13. Moreover, the contention raised by the learned Senior Counsel implies that since the Rules of 2003 are inapplicable to the Private Unaided Educational Institutions, the said institutions have no law governing their functioning. Such a legal proposition is clearly untenable. Obviously, the law does not contain such a gaping hole as to permit the Management of the Private Unaided Educational Institutions to exploit its staff as per their whims and caprice. Naturally, the functioning of such Institutions has to be supervised, to be guided by the provisions of the law. In the case of private Unaided Educational Institutions, they are, therefore, amenable to the control of Rules of 1978. Thus, the contention raised by the learned Senior Counsel is clearly unacceptable.

Rule 5 of the Rules of 1978 is as under:

5. Scale of pay.- *The scale of pay of an employee of an institution shall not be lower than the scale of pay of an employee of a corresponding post in the Government Educational Institutions.*

14. Clearly, the said provision contains a bar and prevents the Management from paying a pay scale to their employees which is less than the pay scale applicable to the corresponding post in a Government Educational Institution. The said provision is a beneficial piece of legislation, as it protects the employees from the ruthless exploitation by the Management. Moreover, it prevents the Management from depriving the rightful dues of the employees by placing the employees on the same footing as the employees of the Government Educational Institutions. Since Rule 5 of the Rules of 1978 is a social beneficial piece of legislation, per force, it has to be given as wide an application as possible.

15. In the case of **S.S. Anand and Others** (supra), this Court dealt with a similar issue as the present one, namely whether the non-teaching employees of an Unaided Private Educational Institutions would be entitled to the

same pay-scale as is applicable to the employees of the Government Educational Institutions or not? This Court answered the issue in the affirmative. Thus, even the present case is squarely covered by the ratio of **S.S. Anand and Others** (supra).

16. Therefore, the respondent Nos. 5 and 6 are legally unjustified in denying the petitioners the same pay scale as is applicable to the same post holders working in the Government Educational Institutions.

17. The learned Senior Counsel is also not justified in raising the contention that the Private Unaided Educational Institutions cannot be burdened with having to pay the same pay scale as is applicable to similar post in the Government Educational Institutions. For, once the law imposes such a liability upon the Private Unaided Educational institution, it cannot escape the liability on the spurious ground of financial difficulties. The law has to be followed even if it causes financial difficulties.

18. For the reasons stated above, the writ petitions are, hereby, allowed. The respondent - Peoples Education Society is hereby directed to pay the same pay scale to the petitioners as is applicable to the similar post in Government Educational Institutions. They are further directed to pay the arrears of pay scale to the petitioners from the date of filing of these petitions till realization. The said arrears of pay shall carry an interest of 6% per annum. The arrears of pay shall be paid by the respondent - Peoples Education Society within a period of one month from the date of receipt of the certified copy of this order. No order as to cost.

**Sd/-
JUDGE**

Np/-