

(2013) 12 KAR CK 0437

In the Karnataka High Court

Case No : Writ Petition No"s. 104241-104334 of 2013 (S-RES)

Ashok S. Biradar and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 19-12-2013

Acts Referred:

Citation : (2013) 12 KAR CK 0437

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : S. Tyagaraj, for Sri R. Padmanabha, for the Appellant; Manvendra Reddy, Government Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Ram Mohan Reddy, J.—1st Petitioner claims to have been appointed as "Assistant Teacher" on 21.11.1997, 2nd petitioner on 24.2.1992, 3rd & 4th petitioners on 25.2.1992, 5th petitioner on 24.8.2003, 6th petitioner on 21.10.1997, 7th petitioner on 24.8.2003, 10th petitioner on 15.7.1992, 11th petitioner on 01.6.1993, 12th petitioner on 01.7.1993, 13th petitioner on 15.11.1994, 14th petitioner on 15.7.1992, 18th petitioner on 28.6.2005, 19th petitioner on 30.6.2005, 22nd petitioner on 01.6.1992, 23rd petitioner on 05.6.1994, 24th petitioner on 21.2.2005, 25th & 26th petitioners on 08.12.2003, 28th petitioner on 28.12.1991, 29th petitioner on 25.6.1992, 30th petitioner on 20.6.1993, 31st petitioner on 16.3.1998, 32nd petitioner on 31.1.2006, 33rd petitioner on 16.1.2008, 37th petitioner on 25.8.1994, 40th petitioner on 24.6.2005, 41st petitioner on 30.6.1993, 42nd & 43rd petitioners on 23.6.1997, 45th petitioner on 08.6.2005, 46th petitioner on 04 10.2010, 48th petitioner on 15.6.1998, 49th petitioner on 14.3.2006, 52nd petitioner on 01.7.1994, 54th petitioner on 25.6.1994, 55th petitioner on 20.1.2004, 56th petitioner on 21.2.2004, 62nd petitioner on 30.10.1997, 63rd petitioner on 24.10.1997, 64th petitioner on 20.9.1999, 71st petitioner on 20.1.1993, 72nd petitioner on 21.1.1993, 73rd petitioner on 22.1.1993, 74th petitioner on 06.12.2004, 75th petitioner on

10.12.2004, 76th petitioner on 01.6.1995, 77th petitioner on 13.3.1992, 78th petitioner on 14.3.1992, 79th & 80th petitioners on 21.1.2004, 82nd petitioner on 18.2.2007, 84th & 85th petitioners on 06.6.2002, 86th petitioner on 20.2.2007, 87th petitioner on 18.1.1996, 88th petitioner on 16.1.1996, 89th petitioner on 30.12.1996, 90th petitioner on 18.6.1998, 92nd & 93rd petitioners on 18.6.2007, 94th petitioner on 01.6.1991, 8th petitioner as "Drawing Teacher" on 21.10.1997, 20th petitioner on 01.10.1997, 35th petitioner on 20.6.1933, 39th petitioner on 05.9.1999, 58th petitioner on 26.6.1998, 66th petitioner on 20.9.1999, 9th petitioner as "Physical Education Teacher" on 12.02.1999, 15th petitioner on 10.6.1998, 27th petitioner on 31.1.2004, 34th petitioner on 20.6.1993, 44th petitioner on 29.8.2002, 50th petitioner on 27.5.2005, 53rd petitioner on 25.6.1994, 65th petitioner on 21.8.2003, 81st petitioner on 21.1.2004, 83rd petitioner on 06.6.2002, 91st petitioner on 01.6.2006, 16th petitioner as "Peon" on 10.5.1992, 60th petitioner on 29.9.1992, 69th petitioner on 18.9.1991, 17th petitioner as "Craft Teacher" on 01.6.1999, 21st petitioner as "Second Division Assistant" on 01.10.1997, 36th petitioner on 20.6.1993, 38th petitioner on 28.8.1994, 47th petitioner on 23.6.1991, 51st petitioner on 08.6.1994, 57th petitioner on 01.7.1994, 67th petitioner on 20.9.1999, 59th petitioner as "Attender" on 29.9.1992, 68th petitioner on 18.9.1991 and 61st petitioner as "Watchman" on 29.9.1992, 70th petitioner on 18.9.1991 at different Schools in Bijapur District. According to the petitioners, petitioner Nos. 1 to 3 obtained orders dated 24.2.2005, approving their appointments along with salary grant, while the 4th & 7th petitioners obtained approval along with salary grant by order dated 04.7.2006, petitioner No. 5 on 02.8.2006, petitioner No. 6 on petitioner No. 8 on 18.2.2008, petitioners 9 to 15 on 01.8.2012, petitioner No. 16 on 28.10.2009, petitioner No. 17 on 18.9.2012, petitioners 18 & 19 on 18.6.2012, petitioner No. 20 on 23.10.2008, petitioner No. 21 on 21.8.2008, petitioners 22 to 24 on 02.6.2007, petitioners 25 & 26 on 18.11.2005, petitioner No. 27 on 23.1.2006, petitioners 28 to 36 on 25.5.2012, petitioners 37, 38 & 40 on 11.7.2012, petitioner No. 39 on 10.10.2012, petitioners 41 to 47 on 03.5.2012, petitioners 48 to 51 on 11.7.2012, petitioners 52 to 57 on 10.10.2008, petitioner No. 58 on 27.11.2008, petitioner No. 59 on 03.8.2012, petitioners 60, 61, 68 & 70 on 10.1.2013, petitioners 62 to 65 & 67 on 16.5.2006, petitioner No. 66 on 05.11.2007, petitioner No. 69 on 25.7.2012, petitioners 71 to 75, 77 to 80, 84 & 85 on 05.1.2009, petitioner No. 76 on 06.2.1997, petitioners 81 & 82 on 25.9.2012, petitioners 83 & 86 on 05.10.2012, petitioners 87 to 90 on 30.1.2009 and petitioners 91 to 94 on 29.9.2012. Petitioners aggrieved by non-consideration of their representations to extend the service benefits from the date of their initial appointment and not from the date of approval of appointment with aid, have presented these common petitions for a writ in the nature of mandamus. Learned Government Advocate, when directed to take notice for the respondents, submits that in the light of the decision of the learned single Judge in writ petition No. 19431/2005 and connected petitions in "V.T.S. Jeyabal v. State of Karnataka and Others" D.D. 13.10.2006, reckoning the service of the Teachers from the date of initial appointment in the private

educational institution instead of the date of admission of the institution to Grant-in-Aid or the date of approval of appointment of the teachers, for the purpose of fixation of pay scales, seniority and all consequential benefits, when called in question, in a writ appeal and thereafter before the Apex Court, the appeal and the petition before the Apex Court, were rejected, affirming the decision in Jeyabal's case.

2. In that view of the matter, respondents are directed to reckon the petitioners' service from the date of their initial appointment and not from the date of approval of their appointment with aid and entitle the petitioners to all service benefits within three months.

Writ petitions are disposed of.