

**(2015) 03 KAR CK 0007**

**In the Karnataka High Court**

**Case No :** Writ Petition Nos. 50112 of 2013 and 2929 to 2932 of 2014 (S-RES)

Bidranbika Vidya Samsthe

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

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**Date of Decision :** 27-03-2015

**Acts Referred:**

**Citation :** (2015) 6 KarLJ 662 : (2016) 1 KCCR 194

**Hon'ble Judges :** R.S. Chauhan, J.

**Bench :** Single Bench

**Advocate :** Shankaranarayana Bhat B., Senior Counsel for S.S. Parikshit, Advocate, for the Appellant; Y.H. Vijayakumar, Additional Government Advocate, for the Respondent

**Final Decision :** Allowed

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**Judgement**

R.S. Chauhan, J.—The petitioner-Sri Bidranbika Vidya Samsthe, has approached this Court with an extremely limited prayer that a writ of mandamus be issued by this Court directing respondent 3 to implement the orders passed by the Appellate Authority/Joint Secretary to the Government of Karnataka, Primary and Secondary Education Department, whereby order dated 21-6-2013, the Appellate Authority had directed the State Government to release the salary of five non-technical staff members of the appellant. In brief the facts of the case are that the petitioner is running a Pre-University College at Honnavalli. Initially, the college was running without aid. However, from 31-3-2001, the college was brought under Grant-in-Aid. Under the said order, only five posts were covered under the Grant-in-Aid. Subsequently, as per the orders issued by the Government, other non-teaching staff were also brought under Grant-in-Aid. Some of the non-teaching staff who are employed in the petitioner-College have filed writ petition before this Court viz., Writ Petition No. 3251 of 2008, seeking a direction to the respondent for payment of arrears of salary and also for directing the authority to make regular payment of salary to them. By the order dated 14-3-2008, this Court directed the petitioners therein to make a representation

to the concerned authority; the concerned authority was also directed to deal with the representation in accordance with law. Consequently, the petitioner made a representation on 10-4-2008 while enclosing the order passed by this Court. Subsequently, he submitted representations on several occasions. However, the respondents have not responded to them. Therefore, the petitioner had filed another writ petition before this Court viz., Writ Petition No. 20558 of 2012. Again by the order dated 16th November, 2012, this Court directed the respondents to consider the representation of the petitioner. Resultantly, again the petitioner has submitted his representation. But by the order dated 1-10-2012, the respondent rejected the petitioner's representation ostensibly on the ground that the appointment of the non-teaching staff is not clear as the alleged date of appointment is in dispute.

2. Aggrieved by the said order, the petitioner had filed an appeal under Section 130 of the Karnataka Education Act, 1983 before the Appellate Authority/Joint Secretary to Government of Karnataka, Primary and Secondary Education. By the order dated 21-6-2013, his appeal was allowed. The Appellate Authority directed the respondents to take necessary steps to release the salary of five non-teaching staff working under the petitioner-college with effect from 6-1-2007. Despite the fact that petitioner has again brought the order of the Appellate Authority to the notice of the respondents, the respondents continue to maintain a studied silence over the order passed by the Appellate Authority. Hence, these petitions before this Court.

3. Mr. Shankaranarayana Bhat, the learned Counsel for the petitioner, submits that once a representation has been made to the respondents clearly bringing out the order passed by the Appellate Authority, there is no reason, much less a cogent one, for maintaining a studied silence.

4. On the other hand, Mr. Y.H. Vijayakumar, learned Additional Government Advocate for State claims that the respondents are still considering such representation.

Heard the learned Counsel for the parties.

When it was brought to the notice of the respondents that particular order has been passed by the Appellate Authority, the respondents were legally bound to implement the said order within a reasonable time. Already a period of two years has lapsed, and yet the respondents have failed to implement the said order. Therefore, this Court grants them two months, from the date of receipt of this order, to implement the order passed by the Appellate Authority, failing which, the petitioner shall be at liberty to file a contempt petition before this Court.

The writ petitions are, hereby, allowed.