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**(2005) 02 KAR CK 0080**  
**In the Karnataka High Court**  
**Case No : Writ Petition No. 9817 of 2004**

K.M. Veerashaiah

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

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**Date of Decision :** 10-02-2005

**Acts Referred:**

**Citation :** (2005) ILR (Kar) 2598 : (2005) 4 KarLJ 277 : (2005) 3 KCCR 1874

**Hon'ble Judges :** K. Sreedhar Rao, J

**Bench :** Single Bench

**Advocate :** V. Lakshminarayana, for the Appellant; Rosa Paramel, HCGP, for the Respondent

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## Judgement

K. Sreedhar Rao, J.—The petitioner is working as Hindi Teacher under Respondents 5 and 6. The institution of the 5th respondent is admitted to the benefit of grant in aid. While appointing the petitioner to the aided post of Hindi Teacher, the 5th respondent had taken valid approval from the 3rd respondent. After appointment, the proposals were sent by the 5th respondent for confirmation of the appointment by the third respondent. Annexure-B dated 25-2-00 is the order of approval granted by the third respondent. It appears that there was some legal hitch regarding the continuation of the benefit of grant in aid to the institution of the 5th respondent. In WP 38105/01 this Court directed that the benefit of grant in aid accorded to the 5th respondent institution cannot be discontinued and directed the continuation of benefit. The Government vide Annexure-D dated 9-1-03 directed the release of the grant to the 5th respondent on fulfillment of some of the conditions enumerated in the order. Clause (d) of the condition in the order directed that the DDPI, Davanagere District before releasing the salary grant should ensure that the appointments made are approved as per rules. The DDPI after verifying the records directed release of salary grant to the teachers employed in the school of 5th respondent but did not release the salary grant in respect of the petitioner. The third respondent on the representation of the petitioner passed the impugned order at Annexure-E dated

13-10-03 informing that his appointment to the post is illegal since he does not possess the requisite prescribed qualification.

2. In the objection statement, the state has taken up the contention that the petitioner has not passed the TCH course and has not passed the basic qualification of PUC for appointment.

3. The petitioner has passed Hindi Shikshana Parangatha examination conducted by the Karnataka Hindi Prachara Samithi, Jayanagar. The said qualification is equivalent to BA and B.Ed., of an Indian University according to Government of India Notification at Annexure-K No. F.3-28/2003-D1(L) dated 25th November 2003.

4. The Government Order No. ED 226:PMC:98 dated 18-2-99 is issued approving the appointments of the persons for the post of primary school teachers who possess higher qualification of B.Ed on the condition that the appointees shall not claim any higher remuneration for the higher qualification than the scale prescribed for the post. Therefore it is illogical on the part of the third respondent to hold that the petitioner does not possess basic qualification when in fact he possess a higher qualification than the one required to the post.

5. The contention of the learned High Court Government Pleader that TCH or equivalent examination is very much necessary for teaching the primary school students and persons with higher qualifications may not have the requisite knowledge of the skills of teaching the primary school students is untenable. A higher qualification is always a useful advantage, a person with higher qualification would necessarily be better equipped with skills and knowledge in imparting education. It is pertinent to note that the appointment of the petitioner was validly approved vide Annexure-B. It is improper on the part of the 5th respondent to annul the approval of appointment made under Annexure-B without providing any opportunity to the petitioner. Therefore on the over all consideration of the facts and circumstances, the impugned order at Annexure-B is bad in law. Hence, the writ petition is allowed. The order at Annexure-E is quashed. It is directed that the salary grant of the petitioner to be released forthwith.