

**(2017) 02 KAR CK 0040**  
**In the Karnataka High Court**  
**Case No : 288 of 2015 (S-RES)**

|                                  |            |
|----------------------------------|------------|
| SMT.C.S.JAYALAKSHMI D/O SIDDAPPA | APPELLANT  |
| Vs                               |            |
| THE TOWN MAHILA SAMAJ (R)        | RESPONDENT |

---

**Date of Decision :** 03-02-2017

**Acts Referred:**

[Karnataka Education Act, 1983](#), [Section 94](#)  
a> - Appeals

**Citation :** (2017) 02 KAR CK 0040

**Hon'ble Judges :** Subhro Kamal Mukherjee, Budihal R.B.

**Bench :** DIVISION BENCH

**Advocate :** ANUSHA ASUNDI, A. MADHUSUDHANA RAO

**Final Decision :** Dismissed

---

## Judgement

1. There is a delay of 68 days in filing the appeal. But, as requested by Ms.Anusha Asundi, learned advocate for the appellant, we take up the matter for final disposal as it involves the cause of a retired teacher.
2. A teacher in a private recognized unaided institution felt that she was entitled to extension of service up to the age of 60 years.
3. The authorities not having granted the same, she approached the Educational Appellate Tribunal at Chikkamagalur.
4. The Hon"ble Single Judge was of the opinion that the Appellate Tribunal did not have jurisdiction to grant such relief.
5. We are at one with the Hon"ble Single Judge that the teacher was misguided in approaching the Appellate Tribunal.
6. Section 94 of the Karnataka Education Act, 1983, does not contemplate granting of extension of service.
7. For grant of extension of service, various factors are to be considered. It is not

automatic. Therefore, the Hon''ble Single Judge was right in dismissing the writ petition.

8. However, His Lordship reserved liberty to the writ petitioner to approach the Government for extension of service.

9. Today we are informed that the appellant-teacher has crossed the age of 60 years. Therefore, she is, at the best, entitled only to monetary compensation in lieu of such extension of service. If she makes such a representation, the authorities shall consider the same in accordance with law. We express no opinion.

10. I.A.I of 2016 seeking for condonation of delay of 68 days in filing the appeal, is, therefore, dismissed. Consequently, the appeal is, also, dismissed.

11. We make no order as to costs.