



NC: 2023:KHC-D:13892
WP No. 102670 of 2022
C/W WP No. 104806 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 28TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 102670 OF 2022 (S-RES)

C/W

WRIT PETITION NO. 104806 OF 2022

IN WP NO.102670/2022

BETWEEN:

1. ANAND S/O. DANIEL
AGE: 51 YEARS, OCC: CLEANER,
GOVERNMENT MEDICAL AND DENTAL
COLLEGE, RESEARCH CENTRE, BALLARI-583104.
2. RAMANJINEYA S/O. SUNKAPPA
AGE: 58 YEARS, OCC: CLEANER,
GOVERNMENT MEDICAL AND DENTAL
COLLEGE, RESEARCH CENTRE,
BALLARI-583104.
SINCE DECEASED BY LEGAL HEIRS.
- 2A SMT. JAYALAKSHMI W/O. LATE RAMANJANEYA
AGE ABOUT 50 YEARS, OCC: HOUSEWIFE,
R/O. SATYAVAANI NAGAR, KARIMAREMMA GUDI
ROAD, BALLARI-583104.
- 2B SRI. SHIVAKUMAR S/O. LATE RAMANJANEYA
AGE ABOUT 29 YEARS, OCC: BUSINESS,
R/O. SATYAVAANI NAGAR, KARIMAREMMA GUDI
ROAD, BALLARI-583104.
- 2C KUM. SANDHYA KUMARI. D
AGE ABOUT 26 YEARS, OCC: HOUSEWIFE,
R/O. SATYAVAANI NAGAR, KARIMAREMMA GUDI
ROAD, BALLARI-583104.
3. SHIVA S/O SUNKAPPA
AGE: 47 YEARS, OCC: CLEANER,
GOVERNMENT MEDICAL AND DENTAL COLLEGE,





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WP No. 102670 of 2022
C/W WP No. 104806 of 2022

RESEARCH CENTRE, BALLARI-583104.

4. JAYARAM M. S/O. GOPALAPPA
AGE: 49 YEARS, OCC: CLEANER,
GOVERNMENT MEDICAL AND DENTAL COLLEGE,
RESEARCH CENTRE, BALLARI-583104.
 5. VENKATESH M. S/O K. MANAPPA
AGE: 48 YEARS, OCC: CLEANER,
GOVERNMENT MEDICAL AND DENTAL COLLEGE,
RESEARCH CENTRE, BALLARI-583104.
 6. ASHOKA S/O. ARJUN PATIL
AGE: 46 YEARS, OCC: CLEANER
GOVERNMENT MEDICAL AND DENTAL COLLEGE,
RESEARCH CENTRE, BALLARI-583104.
 7. PADMALAXMI W/O. MALLIKARJUNA PRASANNA
AGE: 63 YEARS, OCC: RETIRED,
OLD QUARTERS MEDICAL COLLEGE, BALLARI-583104.
...PETITIONERS
- (BY SRI. B KRUPANANDA AND SRI. S. C. HARTI, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
CHIEF SECRETARY OF MEDICAL EDUCATION,
M. S. BUILDING, BENGALURU-560001.
 2. THE CHIEF ADMINISTRATIVE OFFICER (VIMS),
DENTAL COLLEGE, BALLARI-583104.
 3. THE DIRECTOR (VIMS)
DENTAL COLLEGE, BALLARI-583104.
 4. THE PRINCIPAL GOVERNMENT,
DENTAL COLLEGE AND RESEARCH INSTITUTE,
(VIMS), BALLARI.
...RESPONDENTS
- (BY SRI. J. M. ANILKUMAR, ADV. FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE
REPRESENTATION/LEGAL NOTICE DATED 27.06.2022 MADE BY THE



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C/W WP No. 104806 of 2022

PETITIONERS FOR REGULARISATION OF THEIR SERVICE AND PROVIDE ALL THE BENEFITS ARREARS ACCORDING TO LAW VIDE ANNEXURE-J1 AND J2 DATED 27.06.2023 AND REGULARISE THEIR SERVICE AND PROVIDE ALL LEGAL BENEFITS, ARREARS ACCORDING TO COVERED BY JUDGMENT IN W.P.NO.145046/2020 DATED 09.08.2021 VIDE ANNEXURE-F AND ISSUE DIRECTION TO THE RESPONDENTS TO EXECUTE THE AWARD PASSED IN I.D.NO.34/1998 DATED 23.05.2001 VIDE ANNEXURE -A PASSED BY THE INDUSTRIAL TRIBUNAL, HUBBALLI AND THE JUDGMENT IN W.P.NO3005/2002 PASSED BY THE HON'BLE HIGH COURT OF KARNATAKA, BANGALORE DATED 11.09.2006 VIDE ANNEXURE-B.

IN WP NO.104806/2022

BETWEEN:

SMT. PADMALAKSHMI W/O. NARASIMAYYA
AGE: 63 YEARS, OCC: RETIRED,
OLD QUARTERS MEDICAL COLLEGE, BALLARI-583104.

...PETITIONER

(BY SRI. B KRUPANANDA AND SRI. PRAKASH B. KALE AND
SRI. S. C. HARTI, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
CHIEF SECRETARY OF MEDICAL EDUCATION,
M. S. BUILDING, BENGALURU-560001.
2. THE CHIEF ADMINISTRATIVE OFFICER (VIMS),
DENTAL COLLEGE, BALLARI-583104.
3. THE DIRECTOR (VIMS)
DENTAL COLLEGE, BALLARI-583104.
4. THE PRINCIPAL GOVERNMENT,
DENTAL COLLEGE AND RESEARCH INSTITUTE,
(VIMS), BALLARI-583104.

...RESPONDENTS

(BY SMT. KIRTELATA PATIL, HCGP FOR R1 AND R2,
SRI. J. M. ANILKUMAR, ADV. FOR R3 AND R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE



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C/W WP No. 104806 of 2022

PETITIONER REPRESENTATION DATED 27.06.2022 VIDE ANNEXURE-J, AND FORTHWITH REGULARISE PETITIONER SERVICE AND PROVIDE ALL BENEFITS, ARREARS ETC, TO PETITIONER IN ACCORDANCE WITH LAW AND DIRECT THE RESPONDENTS AS PER THE COVERED JUDGMENT IN W.P.NO.145046/2020 DATED 09.08.2021 VIDE ANNEXURE-F.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard learned counsel for the petitioners as well as learned counsel for the respondents in both the petitions.

2. Petitioners are before this Court seeking writ of mandamus to direct the 3rd respondent to consider the representation dated 27.06.2022 marked at Annexure – J and to regularize the petitioners services under the 3rd respondent.

3. Learned counsel for the petitioners would submit that the issue involved in this case is squarely covered by the judgment of this Court in Writ Petition No.145046/2020.

4. Learned counsel for the respondents would submit that the order directing the respondents to regularize the similarly placed employees of the 3rd respondent-institution is questioned by filing Writ Appeal 951/2007. It is his submission that though there is no interim order is granted in the said Writ



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C/W WP No. 104806 of 2022

Appeal, the case on hand be deferred till the conclusion of the aforementioned writ appeal.

5. This Court does not find any merit in this submission. Mere pendency of the writ appeal does not amount to stay of the operation of the order which is challenged in Writ Appeal. The law in this regard is very clear. Under the circumstances, this Court does not find any merit in the submission of the learned counsel for the respondents to defer the hearing. There is no dispute that the petitioners herein are also similarly placed as the petitioners in Writ Petition No.145046/2020.

6. It is now submitted at the bar that petitioner No.2 died during the pendency of the writ petition. The legal representatives are brought on record. It is also submitted that some of the petitioners have attained the age of superannuation.

7. Hence, the following:

ORDER

(i) Writ petitions are allowed.



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C/W WP No. 104806 of 2022

- (ii) Respondent No.3 is directed to regularize the services of the petitioners who are still in service, in terms of the order in Writ Petition No.145046/2020 wherein this Court has directed the authority to implement the order passed by the Industrial Tribunal in I.D.No.34/1998, within four weeks from the date of receipt of copy of this order as there is no dispute that the petitioners are also parties to I.D.34/1998.
- (iii) The legal representatives of petitioner No.2 are entitled to consequential service benefits other than regularization of service that would have been granted to petitioner No.2 had he been alive.
- (iv) Further, those of the petitioners who have attained the age of superannuation, they will not be entitled to reinstatement, however, they will be entitled to all other consequential benefits.

Sd/-
JUDGE

BRN/ct-an/List No.: 1 SI No.: 23