HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF JUNE, 2025

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MRS. JUSTICE K S HEMALEKHA

WRIT APPEAL NO.200083 OF 2025 (EDN-RES)

BETWEEN:

1. BAPTIST MISSIONARY ASSOCIATION OF INDIA,
THROUGH ITS SECRETARY,
OLD JEWARGI ROAD,
KALABURAGI – 585 102.

2. HEAD MISTRESS,
JEEVAN PRAKASH HIGH SCHOOL,
OLD JEWARGI ROAD,
KALABURAGI – 585 102.

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

…APPELLANTS

(BY SRI. AMRESH S. ROJA, ADVOCATE)

AND:

1. NIJAGUNI
S/O MALLAPPA,
AGE: 30 YEARS,
OCC: NOW NIL (EX. DRAWING TEACHER),
JEEVAN PRAKASH HIGH SCHOOL,
OLD JEWARGI ROAD, KALABURAGI,
R/O: H.NO.11-317, NEAR KORI MATH,
BRAHMAPUR, KALABURAGI – 585 103.

2. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
KALABURAGI – 585 104.

…RESPONDENTS

(BY SMT. PRAKRITI BORALKAR, ADVOCATE FOR R1;
SRI. MALLIKARJUN C. BASAREDDY, G.A. FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER PASSED IN WRIT PETITION NO.201337/2021 DATED 13.02.2025 BY REJECTING THE WRIT PETITION FILED BY THE RESPONDENT NO.1, IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE MRS JUSTICE K S HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE K S HEMALEKHA)

Learned counsel for the appellants and the learned counsel for respondent No.1 have filed a joint memo stating that the appellants and respondent No.1 have settled the matter and seeks to dispose of the appeal in terms of the joint memo.

2. The terms enumerated at para No.2 of the joint memo reads as under:

> *"2. The Appellant and Respondent No.1 got the matter on the following terms:*
>
> *a. Appellant reinstated the respondent No.1 on 23.03.2025, and forwarded the reinstatement order to the Government for salary grant.*
>
> *b. Respondent No.1 gave up the claims, benefits and arrears of salary from the Management.*
>
> *c. Respondent No.1 reserves liberty to claim benefits, claims and arrears of salary which he is entitled from the government."*

3. A memo was filed on 03.06.2025 duly signed by respondent No.1 stating that he is willing to forgo all the claims with respect to the arrears of salary, wages or any other monitory benefits from the Management for the past period from the date of termination (resignation) till the date of re-instatement. In the memo, it is stated that he seeks liberty to claim any benefits to which he is entitled from the Government. It is also stated that he

may be reinstated to his original post as Drawing Teacher in the appellant institution without claiming any backwages and is ready to resume duties forthwith upon such reinstatement.

4. The para Nos.2 and 3 of the memo reads as under:

> *"2. The Respondent submits that, he is willing to forgo all claims with respect to arrears of salary, wages, or any other monetary benefits from the management for the past period from the date of termination(resignation) till the date of reinstatement. However, the Respondent prays that liberty be reserved to claim any benefits to which he is entitled from the government.*
>
> *3. The Respondent humbly prays that he may be reinstated to his original post as a Drawing Teacher in the Appellant institution without claiming any back wages, and is ready to resume duties forthwith upon such reinstatement."*

5. The joint memo filed today and the memo filed by respondent No.1 on 03.06.2025 are taken on record and would form part and parcel of this order.

6. The present appeal stands ***disposed of*** in terms of the joint memo.

In view of the disposal of appeal, pending I.As. do not survive for consideration and accordingly same stand disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(K S HEMALEKHA)
JUDGE

BL
List No.: 1 Sl No.: 17
CT:NI