

**Sri Palakshappa Vs. the State of Karnataka and ors**

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**Court :** Karnataka

**Decided On :** Nov-03-2010

**Judge :** RAM MOHAN REDDY J.

**Appeal No. :** WRIT PETITION NO.28086 OF 2010 (S-RES)

**Appellant :** Sri Palakshappa

**Respondent :** The State of Karnataka and ors

**Advocate for Def. :** SRI. JAGADISH MUNDARAGI. AGA

**Advocate for Pet/Ap. :** SRI. B N SHETTY. ADV

**Judgement :**

ORDER

1. In W.P. No.46875-46858/2002 K Chandrappa and another .Vs. State of Karnataka. a Learned Single Judge by order dated 10.4.2003 Annexure 'F' extracting the order passed in earlier writ petition, quashing the order dated 30.3.91 of the Director of the Municipal Administration directing all Municipal Councils to annul the time bound promotions given to its employees who do not possess S.S.L.C. qualification, with further directions setting aside the recovery of the excess amount paid to the petitioners therein, restrained the Municipal Council from giving effect to the orders annulling time bound promotions to its employees and accordingly allowed the writ petition.

2. Similar is the facts and circumstances of the case on hand. Petitioner having been extended the benefit of promotion though he had not completed S.S.L.C. qualifying examination is sought to be recalled. Hence the writ petition.

3. In the light of the decision referred to supra, petitioner too is entitled to the very same relief.

4. In the result, writ petition is allowed in part. The order dated 16.1.2001 Annexure 'A' is declared as invalid and a mandamus shall ensue directing the respondents to fix the petitioner in the scale of pay as is applicable to him with effect from 1.1.1970 as if he was duly qualified and pay him the arrears in any event within a period of three months.

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