KARNATAKA ORDINANCE NO. 1 OF 2014
THE KARNATAKA EDUCATION (AMENDMENT) ORDINANCE, 2014.
Arrangement of Sections

Sections:

1.Short title and commencement
2.Amendment of Section 87
3.Cancellation of sanction of Additional increment and extinguishment of claims, if any

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THE KARNATAKA EDUCATION (AMENDMENT) ORDINANCE, 2014.

(Promulgated by the Governor of Karnataka in the sixty-fifth year of the Republic of India and First published in the Karnataka Gazette Extra-ordinary on the 31st day of October, 2014)

An Ordinance further to amend the Karnataka Education Act, 1983

Whereas both the Houses of the Karnataka State Legislature are not in session and His Excellency the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Education Act, 1983 (Karnataka Act 01 of 1995) for the purposes hereinafter appearing

Whereas the State Government has admitted several Private Educational Institutions for grant in aid to improve the standard of education and reduce the burden of management by giving salary grant to teaching and non-teaching staff.

Whereas no departmental examinations or Kannada language examinations were prescribed for employees in educational institutions receiving maintenance grant from State Government.

Whereas the teaching staff in private management institutions admitted to grant-in-aid, claim extension of benefit of one increment for having passed SSLC examination with Kannada as a language or Kannada Language Examination, on par with the pay and emoluments of Government servants is upheld in W.P Nos.13715/2006 c/w W.P Nos. 17236/2008 and 10111-10681/2009 dated 30.06.2009 and Writ Appeal No. 4255/2009 and 4556-5155/2009 dated 25.03.2010. Accordingly Government has issued order No.ED 302 PMC 2006, dated 25.03.2011.

Whereas the Government order dated 25.03.2011 was challenged in W.P No. 19846-20413/2012. The Hon'ble High Court of Karnataka allowed the said petition on 10.08.2012, with directions to keep in view the service particulars of the petitioners herein and calculate the additional increment payable to the petitioners as has been done in the case of teaching and non-teaching staff working in Government schools, who are similarly placed.

Whereas the state filed appeals against the order dated 10.08.2012 made in W.P Nos.19846-20413/2012, in Writ Appeal No. 2779 and 4868-5434/2013. The Hon'ble High Court has dismissed the said appeals on 28.08.2013.

And, whereas the state of Karnataka preferred the appeal in the Hon'ble Supreme Court in Special Leave Petition No. 38205-38772/2013.

Whereas C.C.C.No. 648/2013 was filed before the Hon'ble High Court to implement the decision of Judgment delivered in W.P.No.19846-20413/2012 dated 10.08.2012. The petition was allowed by giving 15 days time to implement the said orders. Since, Service examination or Kannada Language Examination is not made obligatory for aided school employees, there appears no justification in sanction of additional increment for having passed service or Kannada Language examination to aided institution employees. Government had never contemplated this at any point of time. However, Government has issued order No. ED 286 PMC 2013, dated 11.11.2013 implementing the order dated: 10.08.2012 of the Hon'ble High Court, subject to the Order of the Hon'ble Supreme Court in S.L.P. Nos. 38205-38772/2013 which resulted in huge financial implication on the consolidated fund of the State.

The above said Special Leave Petition Nos. 38205-38772/2013 were dismissed on 06.01.2014.

Now therefore, it is considered necessary to review the matter and since no Service examinations or Kannada Language Examination has been prescribed for the employees of aided Educational

Institutions the Government decided not to extend the additional increment payable to the employees working in aided educational institutions as been done in the case of employees working in Government Schools and for the matters connected therewith or incidental thereto for the purposes hereinafter appearing;

Now, therefore in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, His Excellency the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Education (Amendment) Ordinance, 2014.

(2) It shall be deemed to have come into force with effect from 01-06-1995.

2. Amendment of Section 87. - In the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in section 87,-

(a) in the proviso the words "and benefits of retirement" shall be omitted; and

(b) after the proviso, the following provisos shall be inserted, namely:-

"Provided further that conditions of service of the employees working in aided educational institutions shall be as such as may be determined by the State Government from time to time.

Provided also that since 1974 no employee of the aided institution is required to appear and pass any Service Examination or the Kannada Language Examination as prescribed in the Karnataka Civil Service (Service and Kannada Language Examination) Rules, 1974 no such employee shall be eligible for or be granted any additional increment for having passed or deemed to have been passed said examination from the date of commencement of said rules."

3. Cancellation of sanction of Additional increment and extinguishment of claims, if any.- (1) Notwithstanding anything contained in the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), any order of the State Government or rules governing the conditions of employees of any Private aided Educational Institution or any other Law governing the Grant in aid to the above employees or any Judgment, decree or order of any Court or Tribunal or Authority no employees of an aided institution is required to pass any Service or Kannada Language examination or be eligible for or be granted any additional increment for having passed or deemed to have been passed any such examination as prescribed to Government Servants in the Karnataka Civil Services (Service and Kannada Language examination) Rules, 1974 and any claim of an employee of a Private Educational Institution for sanction of any additional increment for the above reason shall stand extinguished, accordingly,-

(a) the order issued by Government directing to sanction any additional increment for the above reason shall stand cancelled;

Provided that any amount paid as per the order now cancelled towards said additional increment shall not be recovered;

(b) no suit or other proceeding shall be maintained or continued in any Court against the Government by any employee of Private Aided Educational institution claiming additional increment for the said purpose or arrears thereof or for pensionary benefits by reckoning the said additional increment;

(c) no Court shall enforce any decree or order directing release of grant in aid taking into account the additional increment for having passed or deemed to have been passed the Service examination or the Kannada Language Examination by an employee of Private aided Educational Institution.

VAJUBHAIVALA
GOVERNOR OF
KARNATAKA.

By Order and in the name of theGovernor of Karnataka,

S.B.GUNJIGAVI
Secretary to Government
Department of Parliamentary
Affairs