IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 1ST DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MRS JUSTICE K.G.SHANTHI

WRIT APPEAL NO. 100829 OF 2025 (S-REG) C/W
CIVIL CONTEMPT PETITION NO. 100375 OF 2025,
CIVIL CONTEMPT PETITION NO. 100377 OF 2025,
WRIT APPEAL NO. 100801 OF 2025 (S-REG) AND
WRIT APPEAL NO. 100815 OF 2025 (S-REG)

IN WA NO. 100829/2025:

BETWEEN:

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   KARNATAKA VIKAS SOUDHA, BENGALURU 560001.

2. THE DIRECTOR,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   R/O ANAND RAO CIRCLE, SHESHADRI ROAD,
   BENGALURU 560009.

3. THE DEPUTY COMMISSIONER,
   BALLARI, DIST. BALLARI 583101.

4. THE HEALTH AND FAMILY WELFARE DEPARTMENT,
   BALLARI, DIST. BALLARI 583101.

- APPELLANTS

(BY SRI. RAKESH M. BILKI, GOVERNMENT ADVOCATE)

VINAYAKA B V
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Location: High Court of Karnataka, Dharwad Bench
Date: 2026.07.02 15:44:28 +0530

AND:

1. SMT. K. SHOBHA W/O D. KENCHAPPA,
   AGE: 53 YEARS, OCC. PRIMARY HEALTH WORKER,
   R/O. 2ND CROSS, SHASTRI NAGAR, BALLARI.
   NOW AT WARD NO.35, SHIRAGUPPA ROAD,
   KURAHATTI, BALLARI, DIST. BALLARI 583101.

2. M.B. DANAKUMARI,

AGE: 52 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O SURYA NAGAR, BALLARI, DIST. BALLARI 583101.

- RESPONDENTS

(BY SRI. A.C. CHAKALABBI AND
SRI. S.B. DODDAGOUDAR, ADVOCATES FOR R1 AND R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO. 106724/2023 DATED 21.02.2025 AND ETC.

IN CCC NO. 100375/2025:

BETWEEN:

1. SMT. SUREKHA KEERA NAIK,
AGE. 56 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O C/O ANAND S. PATIL, CCBN: 11, 2ND CROSS,
NEHARU NAGAR, BELAGAVI, DIST. BELAGAVI.

2. SMT. RAJASHRI SATAYYA HIREMATH,
AGE. 55 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O MALLIKARJUN NAGAR, MALLAPUR P.G.
VTC GOKAK (RURAL),
TQ. GOKAK, DIST. BELAGAVI.

- COMPLAINANTS

(BY SRI. A.C. CHAKALABBI, AND
SRI. S.B. DODDAGOUDAR, ADVOCATES)

AND:

1. HARSHA GUPTH,
THE PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
KARNATAKA VIKAS SOUDA, BENGALURU 560001.

2. DR. UMA BUGGI, THE DIRECTOR,
HEALTH AND FAMILY WELFARE DEPARTMENT,
R/O ANAND RAO CIRCLE, SESHADRI ROAD, BENGALURU.

3. SRI. MOHAMMAD ROSHAN,
THE DEPUTY COMMISSIONER DHARWAD,
DIST. DHARWAD 580008.

4. SRI. GURUDATTA HEGDE,
THE HEALTH AND FAMILY WELFARE DEPARTMENT,

BELAGAVI, DIST.BELAGAVI-580008.

- ACCUSED

5. THE STATE OF KARNATAKA,
R/BY GOVERNMENT ADVOCATE,
HIGH COURT BUILDING, DHARWAD.

- PROFORMA RESPONDENT

(BY SRI. RAKESH M. BILKI,
GOVERNMENT ADVOCATE FOR PROFORMA RESPONDENT)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, R/W. ARTICLE 215 OF CONSTITUTION OF INDIA, 1950, PRAYING TO INITIATE CONTEMPT PROCEEDING AGAINST THE ACCUSED/ RESPONDENT NO.2 FOR NOT COMPLYING WITH THE ORDER OF THIS COURT DATED 21.02.2025 PASSED IN W.P. NO. 103618/2023 & ETC.

IN CCC NO. 100377/2025:

BETWEEN:

1. SMT. K. SHOBHA W/O D. KENCHAPPA,
AGE: 57 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O 2ND CROSS, SHASTRI NAGAR, BALLARI.
NOW AT: WARD NO.35, SHIRAGUPPA ROAD,
NEAR DISH BASHAKAR HOUSE,
KURAHATTI, BALLARI, DIST. BALLARI.

2. M.B. DANAKUMARI,
AGE. 53 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O SURYA NAGAR, BALLARI, DIST. BALLARI.

- COMPLAINANTS

(BY SRI. A.C. CHAKALABBI, AND
SRI. S.B. DODDAGOUDAR, ADVOCATES)

AND:

1. HARSHA GUPTH,
THE PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
KARNATAKA VIKAS SOUDA, BENGALURU 560001.

2. DR. UMA BUGGI, THE DIRECTOR,
HEALTH AND FAMILY WELFARE DEPARTMENT,
R/O ANAND RAO CIRCLE, SESHADRI ROAD, BENGALURU.

3. SRI. PRASHANTHKUMAR MISHRA,

THE DEPUTY COMMISSIONER BALLARI,
DIST. BALLARI-583101.

4. SRI. GURUDATTA HEGDE,
THE HEALTH AND FAMILY WELFARE DEPARTMENT,
BALLARI, DIST. BALLARI 580008.

- ACCUSED

5. THE STATE OF KARNATAKA,
THE PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
KARNATAKA VIKAS SOUDHA, BENGALURU-560001.

- PROFORMA RESPONDENT

(BY SRI. RAKESH M. BILKI,
GOVERNMENT ADVOCATE FOR ACCUSED/STATE)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, R/W. ARTICLE 215 OF CONSTITUTION OF INDIA, 1950, PRAYING TO INITIATE THE CONTEMPT PROCEEDING AGAINST THE ACCUSED/ RESPONDENT NO.2 FOR NOT COMPLYING WITH THE ORDER OF THIS COURT DATED 21.02.2025 PASSED IN W.P. NO. 106724/2023 & ETC.

IN WA NO. 100801/2025:

BETWEEN:

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
KARNATAKA VIKAS SOUDHA, BENGALURU 560001.

2. THE DIRECTOR,
HEALTH AND FAMILY WELFARE DEPARTMENT,
R/O ANAND RAO CIRCLE, SHESHADRI ROAD,
BENGALURU 560001.

3. THE DEPUTY COMMISSIONER,
BELAGAVI, DIST. BELAGAVI 590001.

4. THE HEALTH AND FAMILY WELFARE DEPARTMENT,
BELAGAVI, DIST. BELAGAVI 590001.

- APPELLANTS

(BY SRI. RAKESH M. BILAKI, GOVERNMENT ADVOCATE)

AND:

1. SMT. SUREKHA KEERA NAIK,
AGE. 56 YEARS, OCC. JUNIOR HEALTH ASSISTANT,

R/O C/O ANAND S. PATIL, CCBN: 11 2ND CROSS,
NEHARU NAGAR, BELAGAVI, DIST. BELAGAVI 590001.

2. SMT. RAJASHRI SATAYYA HIREMATH,
AGE. 55 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O MALLIKARJUN NAGAR,
MALAPUR P.G., VTC GOKAK (RURAL),
TQ. GOKAK, DIST. BELAGAVI 591307.

- RESPONDENTS

(BY SRI. A.C. CHAKALABBI, AND
SRI. S.B. DODDAGOUDAR, ADVOCATES FOR R1 AND R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.103618/2023 DATED 21.02.2025 & ETC.

IN WA NO. 100815/2025:

BETWEEN:

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
KARNATAKA VIKAS SOUDHA, BENGALURU 560001.

2. THE DIRECTOR,
HEALTH AND FAMILY WELFARE DEPARTMENT,
R/O ANAND RAO CIRCLE, SHESHADRI ROAD,
BENGALURU 560001.

3. THE DEPUTY COMMISSIONER,
DHARWAD, DIST. DHARWAD 580008.

4. THE HEALTH AND FAMILY WELFARE DEPARTMENT,
DHARWAD, DIST. DHARWAD 580008.

- APPELLANTS

(BY SRI. RAKESH M. BILKI, GOVERNMENT ADVOCATE)

AND:

1. SMT. SHOBHA W/O HERMON TEGUR,
AGE: 58 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O C/O HALLIKATTI BUILDING,
HANUMANTH DEVAR GUDI ONI,
KAMANAKATTI, DHARWAD, DIST. DHARWAD 580001.

2. DWARAKARANI W/O ALBART YAMA,
AGE: 54 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O PALANKAR BUILDING, NEAR ELECTRICAL OFFICE,
SANMATI MARGA, BRUNDAVANA LAYOUT,
NEAR NTTF, DHARWAD 580007.

3. SMT. ANITA ANANDAPPA TIMMANAL,
AGE: 53 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O C/O S B GUDASALAMANI, MANGAL ONI,
KARWAR ROAD, HUBBALLI, DIST. DHARWAD 580029.

4. SMT. PUSHPA YOHANAPPA OLAGUNDI,
AGE: 55 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O C/O RAJAMMA YAHONAPPA OLAGUNDI,
BM COMPOUND, HOSA ONI, HUBBALLI,
DIST. DHARWAD 580029.

5. SMT. LALITHA NIDANAPPA ADIN,
AGE: 56 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O C/O S P HIREMATH, PLOT NO.19, SWARNGIRI LAYOUT,
NEAR RAJIV NAGAR, POLICE QUARTERS,
UNKAL, HUBBALLI, DIST. DHARWAD 580030.

6. SMT. SHOBA SUNDAR AJAGARANI,
AGE: 54 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O C/O SUNDAR JAN AJAGARANI, KRICHEN COLONY,
2ND CROSS, GHATAKERI, HUBBALLI, DHARWAD 580029.

7. SMT. MERIBAI SAMSON CHANDANAVAR,
AGE: 59 YEARS, OCC. PRIMARY HEALTH WORKER,
R/O BASSAL MISSION COMPOUND HOSA ONI,
KARWAR ROAD, HUBBALLI 580029, DIST. DHARWAD.

8. SMT. SUNITA SHRIPADAPPA HONNAYAKAR,
AGE: 56 YEARS, OCC. JUNIOR HEALTH ASSISTANT,
R/O BASEL MISSION COMPOUND, PASTER ONI,
KARWAR ROAD, HUBBALLI 580029, DIST. DHARWAD.

- RESPONDENTS

(BY SRI. A.C. CHAKALABBI, AND
SRI. S.B. DODDAGOUDAR, ADVOCATES FOR R1 TO R8)

THIS WRIT APPEAL IS FILED U/S 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.106372/2023 DATED 21.02.2025 AND ETC.

THESE CIVIL CONTEMPT PETITIONS AND WRIT APPEALS COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
HON'BLE MRS JUSTICE K.G.SHANTHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The Writ Petitions are filed by employees who form part of a batch of 27 employees who are working under the *Government of Karnataka Population Control* Project (for short, '***project***') and in light of identical contentions raised they are clubbed and disposed of by a common judgment.

2. The parties are referred to as per their ranking before the Writ proceedings, for the sake of convenience.

3. The present Writ Appeals are filed by the State who was the respondent in the writ proceedings and have called in question correctness of the order passed by the Learned Single Judge in W.P. No. 103618 of 2023 and connected matters.

4. The Petitioners in the writ proceedings had filed the Writ Petitions seeking for setting aside of the endorsement dated 15.02.2023 issued by the Directorate of Health and Family Welfare Department. In terms of the said endorsement, a decision was taken that the petitioners' merging or regularisation with the Department is impermissible as the petitioners were working under the ***Project*** (IPP-8). The endorsement further recites that the Junior Women Health Assistants cannot be regularised as the Rules do not provide for the same nor could there be merger of their employment with that of the Department. The endorsement further provides that the pay scale which is in the nature of an honorarium would be increased to Rs.15,000/- from Rs.6,000/-.

5. The Petitioners had contended that they have been working under the said ***Project*** since 2001 and were entitled to be regularised taking note of the law laid down by the Apex Court, In Uma Devi’s case (Secretary, State Of Karnataka and Others vs Umadevi and Others) reported in AIR 2006 SUPREME COURT 1806.

6. Before the learned Single Judge, contention was also raised that the endorsement does not advert to the aspect of regularisation in a proper perspective as though a decision is taken rejecting request for regularization, however, they continue to work under the same ***Project***. It is further submitted that the increase in remuneration also reflected continuing of their services.

7. The learned Single Judge by a detailed Order has allowed the petition and set aside the endorsement and has directed reconsideration of the case of the petitioners. The relevant observations made by the rendered Single Judge at paragraphs no. 7 to 9 reads as follows.

> *"7. This Court considered identical circumstances of two of the employees, who had served for 39 years and 33 years respectively therein. The petitioners in the case at hand, as on today rendered 24 years of service. The Apex Court considers the very circumstance of those petitioners therein being appointed under the Scheme or work charge establishment issued. In that light, the endorsement that is issued to the petitioners rejecting the claim needs to be noticed.*

"ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಭಾರತೀಯ ಜನಸಂಖ್ಯೆ ಯೋಜನೆ–8 (ಐ.ಪಿ.ಪಿ–8) ರಡಿಯಲ್ಲಿ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಗೊಂಡಿರುವ ಕಿರಿಯ ಮಹಿಳಾ ಆರೋಗ್ಯ ಸಹಾಯಕಿಯರನ್ನು ಖಾಯಂಗೊಳಿಸುವ ಬಗ್ಗೆ ಉಲ್ಲೇಖಿತ (1) ರಲ್ಲಿ ತೀರ್ಪು ನೀಡಿದ್ದು, ಉಲ್ಲೇಖಿತ (2) ರ ಸರ್ಕಾರದ ಆದೇಶದ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣಾ ಇಲಾಖೆ, ಆರ್ಥಿಕ ಇಲಾಖೆ ಮತ್ತು ಕಾನೂನು ಇಲಾಖೆಗಳೊಂದಿಗೆ ಸಮಾಲೋಚಿಸಲಾಗಿದ್ದು, ಸದರಿ ಇಲಾಖೆಗಳು ಈ ನೌಕರರುಗಳ ಸೇವೆಯನ್ನು ವಿಲೀನಗೊಳಿಸಲು/ ಸಕ್ರಮಗೊಳಿಸಲು ಅವಕಾಶ ಇರುವುದಿಲ್ಲ ಎಂದು ಅಭಿಪ್ರಾಯವನ್ನು ನೀಡಿರಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ಭಾರತ ಜನಸಂಖ್ಯಾ ನಿಯಂತ್ರಣ (ಐ.ಪಿ.ಪಿ–8) ಯೋಜನೆಯಡಿಯಲ್ಲಿ ನೇಮಕಾತಿಗೊಂಡು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ 27 ಜನ ಗುತ್ತಿಗೆ ಆಧಾರದ ಕಿರಿಯ ಮಹಿಳಾ ಆರೋಗ್ಯ ಸಹಾಯಕಿಯರನ್ನು ಸರ್ಕಾರಿ ಸೇವೆಯಲ್ಲಿ ಸಕ್ರಮಗೊಳಿಸಲು ನಿಯಮಗಳಲ್ಲಿ ಅವಕಾಶವಿರದ ಹಿನ್ನಲೆಯಲ್ಲಿ ನೌಕರರುಗಳ ಸೇವೆಯನ್ನು ವಿಲೀನಗೊಳಿಸಲು/ ಸಕ್ರಮಗೊಳಿಸಲು ಅವಕಾಶ ಇರುವುದಿಲ್ಲವೆಂಬ ತೀರ್ಮಾನವನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ. ಸದರಿ 27 ಗುತ್ತಿಗೆ ಆಧಾರದ ನೌಕರರಿಗೆ ಪ್ರಸ್ತುತ ಮಾಸಿಕವಾಗಿ ರೂ 6,000/– ಗಳ ಗೌರವಧನದ ಬದಲಿಗೆ ಮಾಸಿಕ ರೂ.15,000/– (ಹದಿನೈದು ಸಾವಿರ ರೂಪಾಯಿಗಳು ಮಾತ್ರ) ಗಳ ಗೌರವ ಧನವನ್ನು ಭವಿಷ್ಯವರ್ತಿಯಾಗಿ ಜಾರಿಗೆ ಬರುವಂತೆ ಮಂಜೂರು ಮಾಡಲು ಸರ್ಕಾರವು ಉಲ್ಲೇಖದ (2) ರ ಪ್ರಕಾರ ಆದೇಶಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಗುತ್ತಿಗೆ ನೌಕರರಾದ ನಿಮ್ಮ ಸೇವೆಯನ್ನು ವಿಲೀನಗೊಳಿಸಲು/ ಸಕ್ರಮಗೊಳಿಸಲು ನಿಯಮಗಳಲ್ಲಿ ಅವಕಾಶ ಇರುವುದಿಲ್ಲ."

8. The endorsement does not whisper about the claim for regularization, but observes that the salary of rupees six thousand that was paid for the last 22 years would now be increased to rupees fifteen thousand, which is not even the minimum wage. Therefore, it is a clear case that the services of the petitioners are continued for 24 years, they be left in the lurch today. This is the elucidation of the Apex Court in the case of SHRIPAL VS. NAGAR NINGAM [2].

[2] 2025 SCC ONLINE SC 221

9. The other circumstances is that the learned HCGP further projects another circumstances that the judgment in the case of UMADEVI (3) supra was regularization is one time measure and those who have not 2 2025 SCC OnLine SC 221 been found fit for regularization then cannot claim regularization at a later point in time. This submission is noted only to be rejected as the Apex Court in the subsequent judgment, recorded after UMADEVI (3) supra in the case of M.L. KESARI VS. STATE OF KARNATAKA3 has considered this aspect and directed the persons who had not been regularized, are open to be regularized later and observes that it was again for one time measure. The subsequent judgments that have been considered by this Court supra would steer clear the issue. Therefore, the cases of these petitioners should merit consideration bearing in mind the observations made in the course of this order."

8. Clearly the Learned Single Judge has found the endorsement to be irregular and finding that the petitioners had continued for about 24 years and taking note of the judgment of the Apex Court in ***Shripal Vs. Nagar Nigam***

(2025 SCC Online SC 221), direction has been made for consideration of the case of the petitioners for regularisation after setting aside the endorsement. Observations made are self-explanatory. The continuing need of the services of the petitioner is reflected in enhancing of the emoluments from Rs.6,000/- to Rs.15,000/-. If that were to be so, we find no reason to interfere with the observations made by the learned Single Judge. Accordingly, the Writ Appeals are rejected. The directions of the learned Single Judge to be complied with, as is ordered, within a period of three months.

Pending interim applications also stand disposed of.

In light of disposal of the Writ Appeals, the contempt proceedings are dropped reserving liberty to take appropriate action at an appropriate point of time.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(K.G.SHANTHI)
JUDGE

BVV/LIST NO.: 1 SL NO.: 18