



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT APPEAL NO.200277 OF 2025 (S-RES)

BETWEEN:

1. THE STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF COLLEGIATE EDUCATION,
M.S.BUILDING,
DR.AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE COMMISSIONER
FOR COLLEGIATE EDUCATION,
GOVERNMENT OF KARNATAKA,
BENGALURU-560001.
3. THE JOINT DIRECTOR,
OF COLLEGIATE EDUCATION
KALABURAGI REGION,
KALABURAGI.



...APPELLANTS

(BY SRI. MALLIKARJUN C. BASAREDDY, PGA)

AND:



1. NANDAKISHORE BAGARE,
AGE: 52 YEARS, OCC: TYPIST,
S.S.MARGOAL COLLEGE OF ARTS,
SCIENCE AND COMMERCE, SHAHABAD
R/O NEAR VITHAL MANDIR,
MARATHA COLONY,
SHAHABAD,
DIST. KALABURAGI-585228.
2. HYDERABAD KARNATAKA EDUCATION SOCIETY
THROUGH ITS PRESIDENT
PDA ENGINEERING COLLEGE CAMPUS,
AIWAN-E-SHAHI ROAD,
KALABURAGI-585102.
3. THE PRINCIPAL,
S.S.MARAGOL COLLEGE, SHAHABAD,
TQ. CHITTAPUR,
DIST. KALABURAGI-585102.

...RESPONDENTS

(BY SRI. NITESH PADIYAL, ADVOCATE FOR R1;
SRI.KRUPA SAGAR PATIL, ADVOCATE FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO A) CALL FOR
RECORDS AND ALLOW THIS WRIT APPEAL BY SETTING ASIDE THE
ORDER DATED 12.11.2024 PASSED BY THE LEARNED SINGLE JUDGE
IN WRIT PETITION NO.204721/2018.

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



CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. I.A.No.2/2025 has been filed to condone the delay of 321 days in filing the appeal.
2. The reasons as noted in Para Nos.3, 4, 5 and 6, which read as under:-

"3. The said file is perused by officers and on 03.05.2025 Additional Director issues order for sending report to Government. Accordingly, draft letter is prepared by the case worker and submitted for approval on 20.05.2025 and said draft letter is approved on 28.05.2025 and fair copy of said draft is signed on 31.05.2025. The letter sent by the Department is put up by case in Collegiate Education section of Higher Education Department on 01.07.2025 seeking orders to send the file to Finance Department for opinion. The said file is perused by Section Officer who opines that it is suitable to take opinion of Head of Legal Cell regarding implementation or filling of appeal against order made in Writ Petition No.204721 of 2018 (S-RES) and sends file to Under Secretary on 01.07.2025. The Under Secretary opines that it is appropriate to obtain opinion of Government Advocate before sending file to Head of Legal Cell for opinion and sends file to Deputy Secretary on 02.07.2025 and same is approved by Deputy Secretary on same day itself.

4. Accordingly, draft letter is put up by case worker on 08.07.2025 and on approval same is sent to Department on 14.07.2025. Government letter dated: 14.07.2025 is received in Department on 15.07.2025 and internal note



is sent to Legal Cell on 21.07.2025 to provide copy of opinion given by government advocate. Since, copy of opinion of Government Advocate was not available in Legal Cell, same was obtained from office of Advocate General, Kalaburagi through Joint Director, Kalaburagi and same was given to Administrative section. As soon as copy of opinion of Government Advocate became available, the case worker in administrative section in office of Commissioner for Collegiate Education submitted file on 23.09.2025 to send copy of opinion of Government Advocate to Government and letter enclosing copy of Government Advocate opinion was sent to Government on same days itself.

5. Since, the case worker in Collegiate Education section was deputed to socio economic survey duty, the file was submitted by Under Secretary on 15.10.2025 seeking orders as to whether file has to be sent to Head of Legal Cell for opinion regarding implementation or filling of appeal against order made in Writ Petition No.204721 of 2018 (S-RES) or to inform Commissioner that it is not possible to bring Respondent No.1 into purview of grant-in-aid because of finance department circular dated: 07.06.2024, wherein instructions were given to fill post of typists through out-sourcing and submits file to Deputy Secretary. On the same day itself, Deputy Secretary sends file to Secretary with a opinion that opinion of Head of Legal cell may be sought regarding action to be taken. After approval of Secretary, the file is sent to head of Legal Cell on 16.10.2025. After going through case papers, the Head of Legal Cell opined that in view of directions given in Rule 8(2) of Karnataka Educational Institutions (Collegiate Education) Rules, 2003, the post of respondent No.1 cannot be included for grant-in-aid. Further now in view of the Circular of the Finance Department dated: 07.06.2024, the post of the petitioner cannot be included for grant-in-aid. All these legal aspects are required to be adjudicated in the appeal.

6. Therefore, I differ with the opinion of the Learned High Court Government Pleader and opine that there are grounds to challenge the order of the Hon'ble High Court



of Karnataka, Kalaburagi Bench passed in W.P. No.204721/2018 (SRES) and it is a FIT CASE to prefer Writ Appeal and file is sent back to Secretary on 18.10.2025. In view of opinion of Head of Legal Cell, especially to file Writ Appeal against order made in Writ Petition No.204721 of 2018 (S-RES), file is submitted by Under Secretary on 21.10.2025 for issuance of Government order to prefer Writ Appeal and file is sent to Head Cell for issuance of order on 23.10.2025 and on the same day itself, government order is issued for preferring Writ Appeal against order made in Writ Petition No.204721 of 2018 (S-RES)."

3. The explanation furnished essentially narrates the movement of the file between various administrative authorities, including the Section Officer, Under Secretary, Deputy Secretary, Secretary, Government Advocate and the Head of Legal Cell, before a final decision was taken to prefer the present appeal.
4. While it is true that some latitude may be permissible where governmental decisions involve consultation at multiple administrative levels, the law is well settled that the State does not enjoy a separate or preferential standard in matters relating to limitation.
5. The Government cannot take advantage of bureaucratic procedures and routine file movement as a ground to seek condonation of delay. Government departments are under a special obligation to ensure that litigation is conducted with diligence and responsibility.



6. The practice of government authorities seeking condonation of inordinate delay on the ground of administrative procedures is to be deprecated and condonation of delay cannot become an anticipated benefit for government departments.
7. The expression "sufficient cause" under Section 5 of the Limitation Act must be interpreted strictly and courts cannot condone delay merely on equitable considerations in the absence of a satisfactory explanation.
8. The explanation offered in the present case merely discloses the routine administrative movement of the file through various levels of the department and the obtaining of legal opinions. The affidavit does not satisfactorily explain why considerable time was consumed at several stages in processing the matter.
9. The delay sought to be condoned is 321 days, which is substantial. In such circumstances, the applicant is required to provide a clear, cogent and satisfactory explanation covering the entire period of delay. The explanation presently offered falls short of this requirement.



10. The narrative contained in the affidavit reflects nothing more than bureaucratic processing of the file at a leisurely administrative pace, which cannot constitute sufficient cause within the meaning of Section 5 of the Limitation Act.
11. If such explanations were to be routinely accepted, the law of limitation itself would become meaningless and unenforceable, particularly in cases where the State is a litigant.
12. The order impugned in the present appeal was passed on 12.11.2024. From the extracts referred to above, it is evident that the authorities initiated action in respect of the said order only on 03.05.2025. It is also to be noticed that under the order dated 12.11.2024, the entire exercise directed therein was required to be completed within four weeks from the date of receipt of the certified copy of the order.
13. Therefore, at the very latest, compliance with the order ought to have been effected by the end of December 2024. It is rather surprising that the question of filing an appeal itself was taken up only on 03.05.2025, long after the period prescribed for compliance had expired. This is particularly



significant in view of the fact that an opinion had already been obtained from the High Court Government Pleader indicating that the matter was not a fit case for preferring an appeal.

14. Notwithstanding the said opinion, the deponent has stated in the affidavit that he differs from the opinion of the learned High Court Government Pleader and, on that basis, the present appeal has been filed.
15. The sequence of events narrated in the affidavit and the manner in which the averments have been made leave much to be desired. It is also pertinent to note that CCC No.200236/2025 came to be filed on 22.08.2025, whereas the present appeal has been filed subsequently on 29.10.2025. The chronology of events gives rise to a clear impression that the present appeal has been filed only after the contempt proceedings were initiated, apparently with a view to avoid the consequences arising therefrom.
16. Unfortunately, this does not appear to be a stray instance. In a large number of matters coming before this Court, it is noticed that writ appeals are filed only after contempt proceedings are initiated for non-compliance of the orders passed by this Court. Such a practice cannot be countenanced. An appeal



is a statutory remedy, and if the State or its instrumentalities intend to avail such remedy, it must be exercised within the period of limitation prescribed by law. The law of limitation applies equally, if not with greater rigour, to the State and its authorities, who are expected to act with greater diligence and responsibility.

17. Government departments cannot take advantage of procedural red-tape, file movement or administrative inefficiency as a ground for condonation of delay, the State is under a special obligation to ensure that litigation is pursued with reasonable diligence. The practice of governmental authorities approaching the courts after inordinate delay on the basis of routine administrative explanations deserves to be strongly deprecated, and that condonation of delay cannot become an anticipated benefit for government departments.
18. The State Government therefore cannot seek preferential treatment in matters of limitation by merely referring to internal administrative procedures or movement of files within departments. When such indulgence is not extended to private litigants, there is no justification to extend such indulgence to governmental authorities.



19. The law of limitation is founded upon sound public policy, namely that litigation must attain finality within a reasonable period of time and that parties cannot be permitted to agitate stale claims indefinitely. The purpose of limitation statutes is not merely procedural but is intended to ensure certainty, discipline and finality in judicial proceedings. Courts therefore cannot lightly disregard the statutory mandate of limitation.
20. Government departments cannot claim a special dispensation in matters of limitation. The State must set its house in order and cannot rely upon routine explanations such as movement of files or administrative procedures to justify inordinate delays. The government bodies are under a special obligation to perform their duties with diligence, particularly when public resources are involved.
21. The present case unfortunately reflects a pattern that has increasingly come to the notice of this Court, namely that appeals are often filed by governmental authorities only after contempt proceedings are initiated for non-compliance of judicial orders. Such conduct indicates that the decision to prefer an appeal is not taken as part of a structured legal



evaluation immediately after the order is passed, but rather as a reactive step taken only after the initiation of contempt proceedings.

22. Having regard to the entire sequence of events and the explanation offered, we are unable to find any satisfactory or reasonable justification for condoning the delay of 321 days in filing the present appeal. Accordingly, I.A. No.2/2025 stands dismissed. Consequently, the appeal also stands dismissed as barred by limitation.
23. However, before parting with the matter, we deem it appropriate to observe that the Chief Secretary to the Government of Karnataka would be well advised to examine the recurring issue of inordinate delays in filing appeals by various departments of the State. It appears that there is no structured institutional mechanism ensuring timely evaluation of adverse judicial orders and prompt decision-making regarding the filing of appeals. The Chief Secretary may therefore consider putting in place a standardised system or protocol across all departments to ensure that decisions regarding appeals are taken within the limitation period prescribed under law, thereby avoiding the necessity of seeking condonation of substantial delays such as in the present case



24. The Court is therefore of the considered view that the issue involved in the present case is not merely confined to the delay in filing the present appeal, but reflects a systemic problem in governmental litigation management, particularly in relation to:
- 24.1. timely evaluation of adverse judicial orders,
 - 24.2. structured decision-making regarding appeals,
and
 - 24.3. institutional monitoring of limitation periods.
25. In the absence of a structured institutional mechanism, files relating to judicial orders appear to move through various administrative levels without any clear timeline or accountability framework. This results in substantial delays, ultimately leading to applications seeking condonation of delay running into several months or even years.
26. Government litigation constitutes a substantial portion of the docket of constitutional courts, and therefore the State has a corresponding responsibility to ensure that litigation is conducted in a professional, efficient and time-bound manner.



27. Having regard to the recurring nature of this issue, this Court is of the view that the Chief Secretary to the Government of Karnataka, being the head of the State administrative machinery, would be required to examine this issue at an institutional level and put in place a structured monitoring mechanism across all departments of the State Government to ensure timely consideration and filing of appeals.
28. The said mechanism should include, inter alia, the following monitorable data points and procedural safeguards:
- 28.1. Digital Registry of Court Orders
- 28.2. Each department of the State Government shall maintain a centralised digital register of all court orders received, which shall contain:
- 28.2.1. date of the order
- 28.2.2. date of receipt of the certified copy
- 28.2.3. department concerned
- 28.2.4. name of the officer responsible for compliance
- 28.2.5. nature of direction issued by the Court



28.2.6. deadline for compliance as per the order

28.2.7. limitation period for filing appeal.

29. Mandatory Legal Evaluation Timeline, Upon receipt of a court order:

29.1.the order shall be examined by the concerned department within 7 days,

29.2.legal opinion shall be obtained from the Government Advocate / Advocate General's Office within 14 days, and

29.3.a decision regarding compliance or filing of appeal shall be taken within 30 days from the date of receipt of the order.

30. Litigation Monitoring Dashboard: A State-level digital litigation monitoring dashboard shall be created to track:

30.1.court orders requiring compliance

30.2.limitation periods for appeals

30.3.status of departmental decision making

30.4.whether legal opinion has been obtained

30.5.whether appeal has been filed within time.



31. Designation of Nodal Litigation Officers: Each department shall designate a Nodal Litigation Officer, not below the rank of Deputy Secretary, responsible for:

31.1.monitoring limitation periods,

31.2.coordinating with the office of the Advocate General,

31.3.ensuring timely filing of appeals, and

31.4.maintaining departmental litigation records.

32. Monthly Compliance Review: A monthly review meeting shall be conducted at the level of the Principal Secretary / Secretary of each department to review:

32.1.orders passed against the department,

32.2.compliance status,

32.3.appeals proposed or filed, and

32.4.cases where limitation is approaching expiry.



33. State-level Monitoring: A quarterly consolidated report shall be placed before the Chief Secretary, indicating:
 - 33.1.number of orders passed against the State in the preceding quarter
 - 33.2.number of cases where appeals were filed within limitation
 - 33.3.number of cases where delay condonation applications were required
 - 33.4.reasons for such delays.
34. Litigation Accountability Framework: Where delay occurs due to administrative inaction or negligence, responsibility shall be identified at the appropriate level so that similar lapses do not recur.
35. The Court clarifies that the above directions are intended to ensure institutional discipline in governmental litigation, and to prevent recurrence of situations where appeals are filed only after inordinate delays or after initiation of contempt proceedings.



36. Accordingly, the Chief Secretary, Government of Karnataka, shall file an affidavit before this Court indicating:
- 36.1.the system presently in place for monitoring limitation periods for appeals,
- 36.2.the deficiencies identified in the existing system, and
- 36.3.the proposed institutional framework incorporating measurable monitoring mechanisms, including the data points referred to above.
37. The affidavit shall also indicate the timeline within which such system will be operationalised across all departments of the State Government.
38. This Court is also of the view that the monitoring mechanism referred to above should not remain merely at the level of registers or departmental correspondence. In the present era of digital governance, it is both feasible and necessary that the State Government utilise the existing e-Office and e-Governance infrastructure to ensure systematic tracking of judicial orders and limitation periods.



39. The Chief Secretary, Government of Karnataka, shall therefore examine the feasibility of integrating the litigation monitoring mechanism with the existing e-Office platform used by various departments of the State Government, so that the following features may be incorporated:

39.1.Digital Case Tracking Module

39.2.A dedicated module may be created within the e-Office framework to record and track:

39.3.court orders received by departments

39.4.date of receipt of the order

39.5.limitation period for filing appeal

39.6.deadline for compliance of directions

39.7.stage of file movement within the department.

40. Automated Limitation Alerts: The system should generate automated alerts and reminders to the concerned officers at predetermined intervals, including:

40.1.30 days before expiry of limitation

40.2.15 days before expiry of limitation

40.3.7 days before expiry of limitation.



41. Such alerts shall be transmitted electronically to the concerned case officer, the designated Nodal Litigation Officer, and the departmental Secretary.
42. Digital Movement of Litigation Files: All files relating to judicial orders and decisions regarding filing of appeals should be processed through the e-Office platform, enabling:
 - 42.1. real-time tracking of file movement,
 - 42.2. identification of stages at which delay occurs, and
 - 42.3. accountability of officers responsible for processing the file.
43. Integration with the Office of the Advocate General: The system should also enable electronic communication with the Office of the Advocate General / Government Advocates, so that:
 - 43.1. legal opinions may be sought electronically,
 - 43.2. the date of request and date of receipt of legal opinion are digitally recorded, and
 - 43.3. delays, if any, can be objectively identified.



44. State-Level Litigation Dashboard: A centralised litigation dashboard accessible to the offices of the Chief Secretary, Law Department, and Advocate General may be developed to provide consolidated data relating to:

44.1.court orders requiring compliance

44.2.appeals proposed and filed

44.3.cases approaching limitation

44.4.cases where delay condonation applications have been filed.

45. Data Analytics and Periodic Review: The digital system should be capable of generating monthly and quarterly analytical reports indicating:

45.1.department-wise compliance status,

45.2.number of appeals filed within limitation,

45.3.number of cases where delay condonation applications were required, and

45.4.stages at which delays occurred.



46. Such a technology-enabled litigation management system would ensure that the State Government is able to monitor compliance with judicial orders and filing of appeals in a time-bound and accountable manner, thereby reducing unnecessary litigation relating to condonation of delay and preventing avoidable contempt proceedings.
47. The Chief Secretary shall place before this Court an affidavit indicating:
 - 47.1.whether such digital integration presently exists within the State's e-Office system;
 - 47.2.if not, the steps proposed to be taken to develop and implement such a system;
 - 47.3.the timeline within which the system is proposed to be operationalised across all departments.
 - 47.4.The affidavit shall also indicate whether the State proposes to develop a standard operating procedure (SOP) governing the processing of court orders and decisions regarding filing of appeals, incorporating the monitoring mechanisms referred to above.



48. Before concluding, this Court considers it necessary to emphasise that the State is the single largest litigant before constitutional courts, and therefore bears a corresponding responsibility to conduct litigation with greater diligence, discipline and institutional accountability. The law of limitation applies equally to the State and its instrumentalities, and governmental authorities cannot expect routine condonation of delay on the ground of administrative procedures or internal file movement. If the State itself does not adhere to statutory timelines prescribed by law, it undermines the very principle of certainty and finality in judicial proceedings, which the law of limitation seeks to protect. The State Government must therefore take earnest steps to ensure that its departments function with professional efficiency in matters relating to compliance with judicial orders and filing of appeals within the prescribed period of limitation, so that unnecessary litigation concerning delay condonation and avoidable contempt proceedings can be effectively minimised.



**NC: 2026:KHC-K:2283-DB
WA No. 200277 of 2025**

49. Though the above matter is disposed relist on
08.04.2026 for reporting compliance.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR. CHILLAKUR SUMALATHA)
JUDGE**

KJJ
List No.: 2 SI No.8.1.
CT:SI