



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 2847 OF 2026 (S-RES)

BETWEEN:

1. KLE SOCIETY
COLLEGE ROAD,
BELAGAVI - 590 001,
REP. BY ITS CHAIRMAN.
2. KLE SOCIETY
COLLEGE ROAD, BELAGAVI - 590 001,
REP. BY ITS SECRETARY
3. B.V. BELLAD LAW COLLEGE,
COLLEGE ROAD, BELAGAVI - 590 001.
REP. BY ITS PRINCIPAL.
4. KLE SOCIETY'S LAW COLLEGE,
CA-2, SIR M. VISVESVARAYA LAYOUT,
5TH BLOCK, ULLAL MAIN ROAD,
BENGALURU - 560 091,
REP. BY ITS PRINCIPAL.



...PETITIONERS

(BY SRI. SRIKANTH M.P, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA



BY ITS SECRETARY TO GOVERNMENT
LAW DEPARTMENT, VIDHANA SOUDHA,
BENGALURU - 560 001.

2. THE COMMISSIONER
COLLEGIATE AND TECHNICAL EDUCATION
DEPARTMENT, PALACE ROAD,
BENGALURU - 560 001.
3. THE REGIONAL JOINT DIRECTOR
COLLEGIATE EDUCATION DEPARTMENT,
DHARWAD - 580 001.
4. THE REGIONAL JOINT DIRECTOR
COLLEGIATE EDUCATION DEPARTMENT,
PALACE ROAD, BENGALURU - 560 001.
5. SRI. BELEGAL JAYASIMHA
(UNDER SUSPENSION),
PRESENTLY WORKING AS
ASSOCIATE PROFESSOR,
KLE SOCIETY'S LAW COLLEGE,
BENGALURU - 560 091.
CLAIMED TO BE RESIDING AT
NO. 201, II FLOOR,
CHAITANYA VISHWAS APARTMENT,
1ST CROSS, BHAGYANAGAR,
BEHIND CITY HALL, BELAGAVI - 590 006.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE, AGA FOR R1 TO R4;
SRI. BELAGAL JAYASIMHA, PARTY IN PERSON
FOR CAV/R5)



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 20/01/2026 ON RP NO. 01/2025 PASSED BY THE R1 VIDE ANNEXURE-Z AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the management is directed against the impugned order at Annexure-Z dated 20.01.2026 whereby the Revision Petition No.1/2025 filed by the respondent No.5/party-in-person was allowed by the 1st respondent-Regional Authority, thereby revoking the suspension order dated 24.07.2025 passed by the petitioner against the respondent No.5.

2. Heard learned counsel for the petitioners, learned Additional Government Advocate for respondent Nos.1 to 4 and respondent No.5/party-in-person and perused the material on record.



3. A perusal of the material on record will indicate that the 5th respondent was working as an Associate professor in the 4th petitioner college on 24.07.2025 when he was suspended by the petitioners. Aggrieved by the said suspension order dated 24.07.2025, the 5th respondent filed a revision petition under Section 131 of the Karnataka Education Act, 1983 before the 1st respondent-Regional Authority, which revoked the order of suspension by passing the impugned order, which is assailed in the present petition.

4. The respondent No.5- party-in-person has filed statement of objections supporting the impugned order and submits that there is no merit in the petition and the same is liable to be dismissed. It is also submitted that the 5th respondent has not received salary from May 2024 till 24.07.2025 when the suspension order was passed against him and also that from the date of the suspension order up to the date of the impugned revocation order dated 20.01.2026, the 5th respondent has not received subsistence allowance. The 5th respondent further submits that from the date on which the



impugned order was passed revoking the suspension order, that is from 20.01.2026, the 5th respondent has not been paid salary also and the present petition may be disposed of directing the petitioners to pay the arrears of salary from May 2024 to 24.07.2025, subsistence allowance from 24.07.2025 to 20.01.2026 and salary from 20.01.2026 till the 5th respondent attains the age of superannuation on 31.07.2026.

5. A perusal of the impugned order will indicate that the 1st respondent-Revisional Authority has correctly and properly considered and appreciated the entire material on record and partly allowed the revision petition, filed by the 5th respondent and revoked the suspension order by holding as under:-

This is the Revision Petition filed by the Petitioner under Section of 131 of Karnataka Education Act, 1983 for seeking relief to set aside the suspension order No: Est (2)/2560, dated: 24.07.2025 and other consequential benefits.

Brief facts of the case are that,

1. The petitioner was initially appointed as a Principal at KLE Society's Law College, Chikkodi, on 07.08.2001 and subsequently transferred to B.V.Bellad Law College on 19.11.2012. The Government of Karnataka, by G.O. No. Law 35 KLM



2013, dated: 26-08-2015, admitted B.V.Bellad Law College, Belagavi to grant-in-aid and the appointment of the petitioner was also admitted to grant-in-aid as Principal. Furthermore, B.V.Bellad law college, Belagavi, after being granted aid, became governed by the Karnataka Educational Institutions (Collegiate Education) Act, 2003.

2. The petitioner, while working as a Principal at Belagavi, respondent No.2 had directed him to resign as a Principal and brought pressure thereby on 02.04.2024, submitted his resignation as a principal and expressed his willingness to continue as a teacher. At the time of resignation, the petitioner was placed in the pay scale of the Associate Professor cadre.

3. Thereafter, on 08.04.2024, respondent No.2 forwarded the said resignation to the Joint Director of Collegiate Education, Dharwad for its approval as per Rule 31 of Karnataka Educational Institutions (Collegiate Education), 2003. While the approval of resignation is still pending, the respondent No.2 transferred the petitioner to KLE Society's Law College (Aided), Bengaluru as Associate Professor on 08.05.2024. Consequently, the petitioner was relieved on 09.05.2024. Accordingly, the petitioner reported at KLE Society's Law College, Bengaluru, on 11.05.2024.

4. After joining at KLE Society's Law College, Bengaluru, the petitioner made several oral requests to the respondents and also the principals of said college at Bengaluru and Belagavi to get approval of the transfer to enable him to get the salary which was pending from 2024. Since no action was taken by the respondents, the petitioner made representations to the Principal Secretary, Department of Law and the Commissioner of Collegiate Education on 10.10.2024 for a direction to the Principal, B.V.Bellad Law



College, Belgavi to forward the necessary documents for approval of his transfer.

5. Thereafter, the documents pertaining to the transfer were forwarded to the Joint Director of Collegiate Education, Bengaluru, for approval on 18.10.2024, but the same was returned with a remark that the approval of the transfer can be considered only after the petitioner's resignation as principal of B.V.Bellad Law College, Belgavi is accepted by the Commissioner of Collegiate Education.

6. Subsequently, the Joint Director of Collegiate Education, Dharwad, has forwarded the resignation of the petitioner to the Commissioner of Collegiate Education, Bengaluru for approval on 19.11.2024. Based on the same, the Additional Director of Collegiate Education sent a letter to the petitioner on 12.12.2024 directing him to appear before the directorate on 23.12.2024 for an enquiry to take an appropriate decision about his resignation.

7. Accordingly, the petitioner had appeared before the Additional Director on 24.12.2024 for the enquiry. During the enquiry, the petitioner has learnt that respondent No.2 while forwarding his resignation for approval, recommended that the petitioner should be continued as Assistant Professor. The petitioner was not aware of this recommendation, as respondent No.2 did not supply a copy of the same to him. However the petitioner was transferred as an Associate Professor to Bengaluru College. The Additional Director in the course of the enquiry put questions about whether the petitioner had submitted due to pressure by the respondent No 2 without anticipation of working at a lower cadre. The



Additional Director, on going through the law on the point, has suggested the petitioner to withdraw his resignation and continue as Principal of B.V.Bellad Law College, Belgavi on the ground that there is no provision under the rules either for demotion to a lower cadre when the Petitioner was appointed directly to the post of principal. Accordingly, the petitioner had withdrawn his resignation in writing

8. During the enquiry, the Additional Director held that the transfer of the petitioner by the respondent No.2 before the approval of his resignation was not as per Rule 31 of the Karnataka Educational Institutions (Collegiate Education) Rules, 2003. Accordingly, the Additional Director sent a letter to the Joint Director of Collegiate Education, Dharwad to direct respondent No.2 to take steps in accordance with the rules and submit the report.

9. Thereafter, the petitioner having received the said letter dated: 24-01-2025, met the respondent No.2 and requested to permit him to resume his services as Principal of B.V.Bellad Law College, Belgavi and enable him to claim his salary, which was pending from May 2024. When the respondent No.2 did not take any action, the petitioner met the Joint Director of Collegiate Education, Dharwad on 24.02.2025 and requested their intervention and guidance in the matter.

10. The petitioner further submits that in the meantime to prevent him from discharging the duties as Principal, the respondents No.3 had filed a complaint before the Camp Police Station, Belagavi on 12.02.2025 alleging that the petitioner along with an office employee had misappropriated the fees collected from the students during his tenure as



principal. Accordingly an FIR was registered in crime No. 0008/2025. Subsequently, the petitioner has obtained an anticipatory bail from the IX Additional District & Sessions Judge, Belgavi on 28.02.2025.

11. The petitioner further submits that on 04.03.2025, the respondent No.2 issued a show cause notice to the petitioner as to why a disciplinary action should not be initiated on the allegation of misappropriation of funds along with another employee. In response to the same, the petitioner has submitted a detailed reply denying the allegations on 13.03.2025.

12. In the meantime, the petitioner met the respondent No. 2 on 03.03.2025 and 26.03.2025, requesting permission to resume his duties at Belagavi and also requesting to release the unpaid salary for the last 11 months.

13. Since the petitioner has not received any information from respondent No.2, he had submitted a detailed representation to the Commissioner of Collegiate Education of 01.04.2025 narrating all the facts and requesting their intervention in the matter.

14. Further, the petitioner had questioned the FIR before the Hon'ble High Court of Karnataka, Dharwad Bench in Crl. Pet. No. 101632/2025. The Hon'ble Court by an order dated: 21.04.2025 granted an interim order of stay and directed the investigating agency not to file the final report against the petitioner.

15. The petitioner respectfully submits that the respondents have not taken any action on the communication dated: 24.01.2025 of the Commissioner of Collegiate Education. The petitioner had filed a writ petition before the Hon'ble High Court



of Karnataka, Dharwad bench in WP No. 102644/2025 seeking the writ of mandamus against respondent No.2 for the implementation of the contents mentioned in the letter dated:24.01.2025. When such being the position, by an order dated: 24.07.2025 the respondent No.1 kept the petitioner under suspension pending the departmental enquiry.

16. The petitioner being aggrieved by the suspension order dated:24-7-2025 at Annexure-P, has filed the present Revision Petition for seeking the revocation/set aside of the suspension order at Annexure-P, direct the Respondents 1 & 2 to restore the petitioner as Principal of B.V.Bellad Law College, Belgavi and other consequential reliefs.

17. After filing of the Revision Petition, the notices were sent to the respondents and respondent No 2 & 3 appeared through their counsel and filed counter statement/Statement of Objection. The respondent Noil was duly served und in spite of it, the Respondent No.1 remained absent. Hence the Respondent No.1 is treated as absent.

18. The respondent No. 2 & 3 have filed their Counter Statement Statement of Objection as here under

a. The Respondent No. 2 & 3 have contended that the revision petition preferred by the petitioner is not maintainable either in law or on facts and the same is liable to dismissed in limine and with exemplary costs.

b. It is further contended that the petitioner is guilty of suppression vari and suggestion falsi and as such the present petition is also not maintainable. It is further contended that the petitioner joined as Principal of Chikkodi Law College, Chikkodi on 07.08.2001 and subsequently on 01.12.2002 was appointed as Reader-cum-Principal. On 01.12.2007 he



was placed in UGC scale of Rs. 12000-420-18300 with Basic Pay of Rs. 14100/-, Subsequently, on 01.08.2010 he was extended with revised UGC Scale of Rs. 18400-500-22400 with starting Basic Pay of Rs. 18,400/-

c. It is further contended that thereafter the petitioner was transferred to KLE Society's B.V.Bellad Law College as Principal on 19.11.2012 and reported to duty on 20.11.2012. Subsequently, the Institution was extended with grant in aid and his appointment was also approved by order of the Government dated: 26.08.2015. However, his appointment is approved with State Scale with scale of pay of Rs. 22800-43200. The pay of the petitioner was revised and on 01.07.2019, then he was extended with Seventh Pay Commission scale in UGC Scale of Rs. 1,44,200-2,18,200 and was drawing the Basic pay of Rs. 1,57,600/-. In view of his appointment being admitted to grant in aid subsequent to approval of appointment by the Government, his service conditions are regulated under the provisions of the Karnataka Education Act, 1983 and the Karnataka Educational Institutions (Collegiate Education) Rules 2003 (hereinafter referred to as the Education Act and 2003 Rules respectively).

d. It is further contended that on 02.04.2024 the petitioner wrote to the management requesting to be relieved of the duties of the Principal of the Institution and permitting to continue as the Teacher. Though in the said communication he had used the word "resignation" fact remains that the same is at the most a case of voluntary reversion and not a case of resignation. The petitioner admittedly by virtue of the document dated: 02.04.2024 indicated that he was continued as a Teacher without the responsibility of being continued as Principal of the Institution. Though he tries to claim that the Department issued the



communication stating that it is not willing to approve the acceptance of resignation acting under Rule 31 of 2003 Rules. Fact remains that Rule 31(2) applies to circumstances where person intends to resign from service and not where voluntarily he seeks reversion. As such, the same has no significance.

e. Be that as it may, what needs to be stated is that the petitioner conveniently suppressed the fact that the Regional Joint Director, Department of Collegiate Education, Dharwad referring to the communication of the Commissioner, Collegiate Education Department dated: 18.07.2025 referring to the petitioner as the Assistant Professor permitted the management to hold the disciplinary proceedings while placing the petitioner under suspension. The communication dated: 18.07.2025 of the Commissioner Collegiate Education and the subsequent communication dated: 22.07.2025 clearly indicate that the petitioner had been treated as Assistant Professor by the Department while granting permission for holding disciplinary proceedings as required under Rule 22 of 2003 Rules.

f. It is pertinent to mention that the petitioner after he was relieved of the post of Principal of the Institution was posted to Aided Societies Law College Bangalore vide order dated: 08.05.2024 of the management. He was also relieved as per the order dated: 08.05.2024 and in fact the petitioner submitted a letter dated: 09/11.05.2024 stating that he is going for pilgrimage with his family and sought for a leave in his letter addressed to the Principal of KLE Society's Law College, Bangalore. Further on 11.05.2024, he joined the duties at Bangalore without any demur thereby accepting the order of the management posting him as the Assistant Professor.



The order also demonstrates the fact that the reversion of the petitioner was voluntary and not a measure of penalty or that he is relieved of his post. In these circumstances, the petitioner who is guilty of suppression of material fact to the effect that he took voluntary reversion cannot claim the benefit of an incorrect order passed by the Department to state that he should be continued as Principal of B.V.Bellad Law College, Belagavi Taluk and District.

g. It is necessary to state that the Principal of the KLE Society's Law College Bangalore on 31.05.2024 requested for sending the service records of the petitioner and they are also received. It is matter of fact that the concerned has addressed the Email dated: 29.06.2024 seeking for leave and on 09.09.2024 in relation to the notice issued on him in so far as his unauthorized absence, he submitted that he would rejoin duties on 15.09.2024 without fail. Further, it is a matter of fact that the KLE Society's B.V.Bellad Law College, Belagavi Taluk and District, also forwarded the service particulars of the petitioner. The documents do go to show that the petitioner voluntarily sought reversion and got reverted as Assistant professor.

h. It is submitted that the Regional Joint Director Dharwad addressed a communication dated: 19.11.2024 to the Commissioner, Collegiate Education seeking approval of the petitioner. It is submitted that the Department on 16.11.2024 stated that the document by which the approval is granted for reversion is required to be submitted. No doubt on 24.01.2025 a letter is addressed by the Commissioner, Collegiate Education Department, the same is not sustainable in view of the legal position as stated above and also the subsequent stand taken by



the Department in approving disciplinary action against the petitioner being Assistant Professor.

1. Be that as it may, the petitioner has claimed that he is not released with his salary and as such, represented on 09.05.2025 while admitting his reversion that he is not released with his salary while working at KLE Society's Law College, Bangalore. It is matter of fact that the petitioner in pursuance of the order dated: 18.07.2025 of the Commissioner and 22.07.2025 of the Regional Joint Director has placed him under suspension as per order dated: 24.07.2025. The suspension order clearly records that there have been allegations of financial mismanagement and misappropriation at the hands of the petitioner, which is serious allegation.

j. It is submitted that the petitioner himself admits that there is a criminal case registered against him though his case is that the Hon'ble High Court has granted an interim order of stay, fact remains that the interim order which is granted will not absolve the petitioner and will allow him to play that he should not be proceeded against by holding disciplinary proceedings as it is a settled position of law that in spite of registration and pendency of criminal proceedings, the disciplinary proceedings can still be conducted.

k. It is a matter of fact that the order of suspension is amenable to challenge only under the circumstances of being issued with malafide and without authority of law. In the instant case, it is not the contention of the petitioner that the order has been passed without authority of law or out of malafides. The petitioner also cannot raise the contention of malafides since admittedly, there is a criminal case registered against him and one Shubhangi Mudgekar under the provisions of Section 406, 408, 409, 420, 465, 468,



471 r/w 34 IPC in Crime No. 08/2025 by the Camp Police Station, Belgavi. The reading of the complaint and FIR do disclose that there are serious allegations of misappropriation, manipulation of Fee Register made against him and under no circumstances, it cannot be said that the issue cannot be enquired into. Even otherwise the interim order granted by the Hon'ble Court in the Criminal Petition preferred by the petitioner is stay of filing of the Final Report against the petitioner in the criminal case registered against him, which means to say that there is not impediment for conducting investigation and the allegations. When that is so, the petitioner cannot seek to define himself by placing reliance upon the interim order granted in respect of filing of the final Report

1. It is submitted that the appointment of the petitioner is admitted to salary grants. The petitioner is also kept under suspension in furtherance of necessary permission granted by the competent authority under Rule 32 of 2003 Rules. Further, the voluntary reversion of the petitioner is also approved as per the subsequent communications of the Department. Even otherwise, since it is a case of voluntary reversion, Rule 31 of 2003 Rules has no application. In such circumstances, the salary and subsistence allowance payable to the petitioner is the concern of the Department and merely for the same, the petitioner cannot challenge the disciplinary action initiated against him.

m. Moreover, the petitioner without making out any grounds in his petition has preferred the present petition. The petitioner cannot contend that the order of suspension is retaliatory and issued to overcome the order on the writ petition. It is submitted that the writ petition in W.P.No. 102644/2025 is disposed off granting liberty to him to avail the appropriate remedy. Even otherwise, the petitioner has not placed



on record any steps he has taken in terms of the liberty granted by the Hon'ble High Court. Further, the order of suspension cannot said to be non reasoned order as the order clearly discloses the reasons under which it was required to place him under suspension.

n. The petitioner cannot seek reliance on the denial of approval in respect of his transfer since it is only an administrative act and is rectified by further orders passed by the Department. The petitioner has suppressed the fact of permission being granted from the Department for his suspension and merely claimed that he is referred to as Associate Professor of KLE Society's Law College, Bangalore.

o. Again, as claimed by the petitioner, for passing the order of suspension, it is not necessary to hear the petitioner since order casts no stigma on him and such, it cannot be said that it is in violation or principles of natural justice.

p. It is further contended that the petitioner cannot claim that there is no basis for keeping him under suspension and that he cannot also contend that the delay his attempt to resume his duties as a Principal of B.V.Bellad Law College. The said issue has nothing to do with the suspension of the petitioner since even being the Principal of B.V.Bellad Law College, Belagavi the management has the right to place the petitioner under suspension. It is further contended that the payment of salary and subsistence allowance will be taken care of by the Department in view of the above factual scenario. Therefore, the Revision Petition preferred by the petitioner is without any merit and is required to be dismissed as sought for.



19. *Heard the arguments. The Petitioner and counsel for the Respondent No 2 & 3 have also filed their written arguments.*

20. *The point that arises from a consideration as follows:*

i. Whether the Petitioner has made out ground to set aside the suspension order dated: 24-07-2025 issued by the Respondent No.1 vide Annexure-P has sought for?

ii. Whether the Petitioner is entitled for restoration to the position as Principal of B.V. Bellad Law College, Belagavi and other consequential benefits including the release of pending salary since May-2024 and other consequential relief as sought for?

iii. What order?

21. *My findings on the above points are as follows:*

(i) Point No.1:

In the affirmative

(ii) Point No.2:

Partly in the affirmative

(iii) Point No.3: As per the final order, for the following

REASONS

22. *Point.1. The Petitioner in his oral arguments as well as written arguments has reiterated the very same contention as contended in his petition and relied upon the decision reported in Lourdes Anusha*



Vis State of Karnataka and others W.P. No. 16772/2023 wherein it is held in para no. 6 & 7 that:

Para no. 6: As could be seen from the above, the revisional authority has not even considered any of the grounds raised by the petitioner regarding the challenge made by her to the charge memo and the revisional authority has basically considered only validity of the order of suspension. In my view, the non consideration of the contentions raised by the petitioner regarding the validity of the charge memo ought to have been considered by the revisional authority, Accordingly, in view of the above, while maintaining the order of the revisional authority setting aside the suspension, it is directed to take into consideration the allegations made by the petitioner regarding the validity of the charge memo and pass an appropriate order.

Para no. 7: It is made clear that the revisional authority shall restrict its enquiry only to the validity of the enquiry and the order of suspension which it has already set aside shall continue to subsist. Writ petition is accordingly allowed in part.

In another decision reported in Mutthubai V/s Manjula Makkala Kendra 2005 (3) KARCK 0050 wherein it is held at para No. 14 that As already held by me section 94 (5) does not provide an appellate remedy against the order which are not in the nature of penalty or which are not punitive nature. In this regard useful reference can be made to the decision of the Division Bench of this Court in the case of Management of M.S.Ramaiah Medical College and Hospitals Vs. Dr. M.Somashekar. At paragraph-11 of the said judgement, the Division Bench has observed thus:



"We may sum up the position regarding remedies available to an employee (including a teacher) of Private Educational institution thus:

(i) The remedy against an order imposing the penalty of dismissal, removal or reduction in rank, is by way of appeal to the Education Appellate Tribunal u/s 94(1).

(ii) The remedy against an order imposing any other penalty is by way of an appeal to the competent Authority us/s 94(5) with a further appeal to the Educational Appellate Tribunal us/94(7).

(iii) The remedy against any order of management which is not punitive in nature is by way of revision to the State Government u/s 131.

23. Therefore, the Revision Petition filed by the petitioner is maintainable and this authority has unfettered power under section 131 of the Act to modify, reverse and annul any order issued by the management to an employee if it is found illegal and arbitrary and sought for allowing the Revision Petition.

24. On the other hand, the learned counsel for the Respondent No. 2 & 3 contended that the Petitioner was working as Principal at B.V.Bellad Law College, Belagavi and during his tenure he has misappropriated the funds belongs to the Institution along with another employee and the co-employee has confessed with regard to the involvement and after audit and internal enquiry the complaint was lodged and FIR was registered against the petitioner and another. Thereafter the Petitioner has approached the Hon'ble High Court of Karnataka for quashing the registration of the case in W.P. No. 109209/2025 and obtained the stay of further investigation. It



demonstrates the petitioner is aware of the content of the complaint and the charges of misappropriation. There is departmental enquiry conducted by the management against his involvement and the same is still pending and the charges against the petitioner relate to misappropriation of funds and not entitled for any relief as sought for.

25.Considering the rival arguments and material on record, admittedly the petitioner was appointed as Principal at B.V.Bellad Law College, Belagavi and while working as a Principal, he had addressed the letter dated:02-04-2024 to the Secretary of KLE Society, Belagavi for resignation as a Principal vide Annexure-A. Though, the petitioner has contended that the aforesaid letter was brought by pressurizing him and not voluntarily but the content of letter clearly discloses that the petitioner has difficulty to discharge his duties both as Principal and Teacher. That apart, the petitioner in his subsequent letter dated: 30.09.2024 vide Annexure E and undated letter vide Annexure F. has specifically stated that his resignation is voluntarily and insisted on approval of transfer and payment of salary. It further demonstrates that the petitioner had voluntary tendered his resignation to post of Principal. In spite of it, the petitioner for the first time in his letter dated 23.12.2024 at Annexure H, claimed that his resignation was not voluntary and was obtained forcibly and willingly to withdraw resignation and continue as Principal of B.V.Bellad Law College, Belagavi. This letter dated 23.12.2024 itself indicates that the petitioner has prepared with after thought and to suit his future endeavors with malafide intention by altering his position from voluntary resignation to



forced resignation. Therefore, the contention of the petitioner that he was pressurized to address the letter dated: 02-04-2024 is baseless and filled with falsity.

26. Now the question that arises from my consideration whether the suspension order at Annexure-P requires modification, annulled or reversed. In this background, I would like to refer to Section 131 (1) of the Karnataka Education Act 1983: which reads as under;

131. Revision by the State Government (1) the state Government may, either suo moto or on an application from any person interested, call for and examine the record of an educational institution or of any authority, officer or person in respect of any administrative or quasi-judicial decision or order, not being a proceeding in respect of which a reference to an arbitrator or an appeal to the High Court is provided, to satisfy themselves as to the regularity, correctness, legality pr propriety of any decision or order passed therein, and if, in any case if appears to the State Government that any such decision or order should be modified, annulled or reversed or remitted for consideration, they may pass order accordingly

Provided that the State Government shall not pass any order adversely affecting any party unless such party has had an opportunity of making a representation.

27. On bare reading of the aforesaid provision, it is clear that the State Government may on an application by an interested party or suo moto call for and examine the record of the Educational Institution



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or any authority in the respect of administrative or quasi judicial decision to satisfy itself with regard to the legality, propriety. correctness of any decision passed by the said Education Institution or authority and the said decision requires for reconsideration, State Government can modify, annul or reverse or remit to the concerned authority by providing an opportunity to the adverse party.

28. In the instant case, admittedly, the petitioner has challenged the suspension order by filing this Revision Petition and the main ground urged is that the alleged complaint for misappropriation was came to be registered on 12-02-2025, which is after 7-8 months from the date of his reliving his position as principal of B.V.Bellad Law College, Belagavi and prior to that there was an audit and during the said audit period there was no charges against him in regard to the misappropriation. In fact, the respondent Institution does not dispute the aforesaid contention except contending that the petitioner was involved in the misappropriation during his tenure as Principal along with the co-employee and the co-employee has admitted the guilt and leading to filing of criminal case and departmental enquiry. This aspect prima facie indicates that there is criminal case pending against the petitioner for misappropriation. Infact, the records reveals that the petitioner has approached the Hon'ble High Court of Karnataka in Criminal Petition No. 101632/2025 and obtained a stay in further investigation against him as per Annexure-O. In such circumstance, the criminal proceedings against the petitioner will not be restored unless the stay is vacated and only thereafter the criminal case initiated against the petitioner will see its light and the same may take considerable time. Keeping these aspects and the petitioner's right to livelihood and practice his profession cannot be curtailed by extending suspension order. Therefore, the contention of the



respondent Institution that the petitioner is charged in criminal case is not the ground to deprive his right to enjoyment of his profession.

29. Now in regard to the initiation of departmental enquiry is concerned, admittedly the petitioner does not dispute the initiation of departmental enquiry except stating that the subsistence allowance is not paid during the course of departmental enquiry and the same is entitled by him. In fact, Rule 35 of Karnataka Educational Institution (Collegiate Education) Rules 2023, deals with Subsistence Allowance during the suspension. Sub Rule(1) of 35 says Every employee placed under suspension shall be entitled with following payments namely;

(a) Subsistence allowance at an amount equivalent to Fifty per cent of the pay drawn immediately prior to the date of suspension, for the first six months after the date of suspension, additional dearness allowance, if admissible, on the basis of the amount of such subsistence allowance.

On bare reading of the aforesaid provision, it is clear that every employee kept under suspension is entitled for 50% of the pay drawn immediately prior to the date of suspension for a period of 6 months. Therefore the contention of the petitioner that he is entitled for subsistence allowance is sustainable in the eye of law.

30. Now the question that arises from my consideration whether the respondent Institution has paid the subsistence allowance to the petitioner during the departmental enquiry. In this regard, all that the respondent Institution contend that the Government is responsible to pay the subsistence allowance but not the management. The said contention itself indicates that the respondent



Institution has not paid the subsistence allowance to the petitioner. In fact, the petitioner has produced the daily status in W.P. No.109209/2025 and contended that he had approached the Hon'ble High Court of Karnataka, Dharwad Bench for seeking subsistence allowance and in the said proceedings, there is an interim order directing to stay the enquiry proceedings till the payment of subsistence allowance. It further demonstrates that the departmental enquiry initiated against the petitioner is stayed till the payment of subsistence allowance. In fact, the respondent Institution has not come forward to pay the subsistence allowance except blaming the Government for its compliance. In such circumstance, the timely disposal of departmental enquiry cannot be anticipated and for which the petitioner cannot be held responsible. Therefore, the initiation of departmental enquiry against the petitioner for the alleged misappropriation without payment of subsistence allowance and subsequent stay of the departmental enquiry substantiate that there is no possibility of concluding the enquiry at earliest point of time. This act of respondent institution to the petitioner has direct bearing to the enjoyment of his profession.

31.In this context I would like to refer to Rule 34 of Karnataka Educational Institution (Collegiate Education) Rules 2023, wherein suspension has been refereed as here under.

34. Suspension (1) The appointing Authority may place

an employee under suspension under the following circumstances and conditions after obtaining the necessary permission from the controlling authority failing which the management shall be held



responsible for all the consequences which may arise in future:

(i)... (iii)...

(2) An employee shall be deemed to have been placed under suspension by an order of Appointing Authority; after given the information of the order of the private management to the controlling authority.

(a) With effect from the date of hit detention, if he is detained in custody whether on criminal charge or otherwise for a period exceeding forty-eight hours:

(b) With effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

32. On bare reading aforesaid sub Rule (1) of 34, it is clear that the appointing authority may suspend his employee if it found that there is a pending disciplinary enquiry against him, criminal offence or preliminary enquiry that will lead to conviction or dismissal from service in future. Similarly the sub Rule (2) of 34 says that the employee shall be deemed to be under suspension if he is detained in the custody for criminal charge or exceeding 48 hours or in the event of conviction for an offence and sentenced exceeding 48 hours.

33. In the instant case, this authority has already observed that the petitioner has challenged registration of case in crime No. 08/2025 of Camp Police Station of Belagavi city for the offence punishable under section 406, 408, 409, 420, 465, 468, 471 r/w section 34 of IPC before the Hon'ble High Court of Karnataka in Criminal Petition No.



101632/2025 (Dharwad Bench) and obtained stay. Similarly, the departmental enquiry is also stayed for want of nonpayment of subsistence allowance. In such circumstances, the exact role played by the petitioner cannot be determined till the disposal of the criminal case and the departmental enquiry against the petitioner for criminal misappropriation and the same also requires considerable time. Therefore, the contention of the petitioner that the criminal case and departmental enquiry are stayed and the suspension order can be revoked is sustainable in law.

34. Further, it is also pertinent to note that after the registration of the aforesaid criminal case for misappropriation against the petitioner, the petitioner has obtained anticipatory bail. It further demonstrates that the petitioner was not detained in custody. Therefore, the contention of petitioner that proceeding of criminal misappropriation is yet to be adjudicate in regard his culpability of the alleged crime/offence holds good.

35. Thus considering the aforesaid facts and circumstance of the case, this authority comes to conclusion that the petitioner has made out a ground to revoke the suspension order with immediate effect. Accordingly, I answer the Point No.1 in the affirmative.

36. Point No.2: In regard to the claim of the petitioner for reinstating to the post of Principal is concerned, this authority has already observed in Point No.1 that the petitioner has voluntarily tendered his resignation for the post of Principal by negating the contention of the petitioner that the resignation was not voluntarily. In such circumstance, the contention of the petitioner that he is entitled for the post of the Principal of B.V.Bellad Law College, Belgavi is unsustainable in the eye of Law.



37. Secondly, in regard to contention of the petitioner that the resignation is verified by the department and the same is void abintio and he is entitled for the post of Principal is concerned, this authority at the cost of repetition like to refer to the letter dated: 02-04-2024 addressed by the petitioner to the Secretary of KLE Society, Belagavi vide Annexure-A and subsequent letters dated: 30.09.2024 vide Annexure E and undated letter vide Annexure F. These letters clearly indicate that the petitioner had resigned from his post as Principal. In such circumstances, the petitioner is estopped by conduct and cannot deny his resignation to the post of Principal. Therefore, the petitioner is not entitled to the post of principal.

38. Thirdly, the question that arises from my consideration as to what post the petitioner is entitled for re-instatement. In this context I would like to refer to the documents produced by the petitioner along with the revision petition. Annexure-B is the transfer order issued by the respondent No.1 to the petitioner dated 08.05.2024 and its content discloses that the petitioner was transferred as Associate Professor to KLE Society Law College, Bangalore Annexure-C is the reliving order issued by the B.V.Bellad Law College, Belgavi to the petitioner dated: 09-05-2024 and the same discloses that the petitioner relived on 09.05.2024 from his duty to enable him to report at KLE Society Law College, Bangalore immediately. Annexure-D is the letter addressed by the petitioner to the Principal, KLE, Society Law College, Bangalore dated: 11.05.2024 for reporting to the duty as Associate Professor. Annexure-E is the letter addressed by the petitioner as Associate Professor of KLE Law College, Bangalore to the Principal Law Secretary, Government of Karnataka, Dated: 30-09-2024 in regard to the approval of transfer and release of salary. Annexure-F



is the letter addressed by the Joint director of Regional Collegiate Education, Bangalore to the Principal of KLE Law College, Bangalore with the subject reference of transfer and payment of salary of Dr.B.Jayasimha, Associate Professor. Annexure-H is a letter addressed by the petitioner to the Additional Director, Department of Collegiate Education, Government of Karnataka, Bangalore dated: 23-12-2024 and the said letter bears the reference that the management immediately accepting the resignation of the petitioner has sent copy to the Joint Director, Regional Collegiate Education, Dharwad along with the recommendation for demoting the petitioner as Assistant Professor as against Associate Professor.

Annexure-I is the letter addressed by the Additional director of collegiate education to Joint director. Regional Collegiate Education, Dharwad dated: 24-01-2025 with subject reference as acceptance of resignation of Sri B.Jayasimha, Principal of KLE Society's B.V.Bellad Law College, Belgavi and its content discloses that KLE Society Law College has ordered to post sri B.Jayasimha as a Assistant Professor.

39. On conjoint reading of afore said letter correspondence, it indicates that the petitioner in its letter has referred himself as Associate Professor and at the same time the management/respondent Institution has also referred the petitioner as Associate Professor in its letters including transfer order as same capacity and same salary. Though the letter at Annexure-I addressed by the Additional Director of Collegiate Education to Joint Director, Regional Collegiate Education, Dharwad referred the demotion of the petitioner to the post of Assistant Professor but there is no specific order to that effect. Considering these aspects, this authority comes to conclusion that the petitioner to be continued as



Associate Professor at KLE Society Law College, Bangalore from the date of this order.

40. Lastly, in regard to release of salary from pending from May-2024 till the date of filing of petition is concerned, admittedly the aforesaid letter correspondence clearly indicates that the petitioner was not paid salary from May-2024 and the same is also not disputed by the respondent. Keeping the said aspect, this authority comes conclusion that the petitioner is entitled for pending salary at the last pay drawn as Associate Professor from May-2024 till the date of suspension order i.e.24-07-2025 and from the date of suspension order at 50% of the last drawn salary till the date of reporting to his duty. Therefore, the respondent Institution is liable to pay the aforesaid pending salary along with subsistence allowance within 15 days from the date of this order failing which the aforesaid amount carries interest at the rate of 6% per annum on the delayed payment. Accordingly I answer the point No.2 partly in the affirmative.

41. Point No.3: In view of the findings on the aforesaid points, the following orders:

ORDER

Petition filed under Section of 131 of Karnataka Education Act, 1983 is partly allowed.

It is hereby ordered that the order of suspension dated: 24.07.2025 at Annexure-P is revoked with immediate effect.

It is hereby ordered that the petitioner is reinstated as Associate Professor at KLE Society Law College, Bangalore from the date of this order.



It is further ordered and directed that the petitioner is entitled for pending salary at the last pay drawn as Associate Professor from May-2024 till the date of suspension order i.e.24-07-2025 and from the date of suspension order at 50% of the last drawn salary till the date of reporting to his duty.

It is further ordered and directed that the respondent is liable to pay the pending salary including the Subsistence Allowance as referred above within 15 days from the date of this order failing which the aforesaid amount carries interest at the rate of 6% per annum on the delayed payment.

No order as to cost.

6. Upon re-appreciation, re-consideration, re-valuation of the entire material on record, I do not find any illegality or infirmity in the impugned order so as to warrant interference by this Court in the present petition. In addition there to, when the matter came up before this Court on 03.03.2026, this Court passed the following order.

At request of learned AGA, list this matter after 4 weeks to file statement of objections.

Meanwhile, by way of interim arrangement and without prejudice to the rights and contentions of the parties and making it subject to the final outcome of this petition, the



petitioner's society is directed to permit the respondent No.5 to work and discharge his duties as an Associate Professor in the 4th petitioner college at Bangalore and also pay the entire arrears of salary, till the next date of hearing.

In addition there to, the respondents No.1 to 4 are directed to disburse/release the entire arrears of salary and continue to pay the same to the respondent, till next date of hearing.

Re-list on 07.04.2026.

7. Then subsequently on 07.04.2026 this Court passed the following order:-

Learned counsel for the petitioners has filed a memo along with documents.

Memo and documents are placed on record.

Respondent No.5/party-in-person seeks time.

Re-list this matter on 21.04.2026 for preliminary hearing.



Meanwhile, respondent Nos.1 to 4-State is directed to comply with the interim order dated 03.03.2026 immediately without any delay.

8. As stated *supra*, the petitioner has not received salary from May 2024 to 24.07.2025. So also, the 5th respondent has not received subsistence allowance from 24.07.2025 to 20.01.2026. Further, the 5th respondent has also not received salary from 21.01.2026 and would be entitled to receive the same upto the date of he attaining superannuation on 31.07.2026. It is also a matter of record that the petitioners have instituted disciplinary proceedings as against the 5th respondent, which are pending consideration.

9. Under these circumstances, I deem it just and appropriate to dispose of this petition by issuing certain directions.

10. Accordingly, I pass the following.



ORDER

- i. Petition is hereby disposed of without interfering with the impugned order.
- ii. The respondent Nos.1 to 4 shall release the arrears of salary payable to the 5th respondent from May 2024 to 24.07.2025, subsistence allowance from 24.07.2025 to 20.01.2026 and salary/arrears of salary from 21.01.2026 till 31.07.2026 when the 5th respondent attains the age of superannuation to the petitioners who shall in turn disburse/release the same in favour of the 5th respondent within a period of 2 weeks from the date of receipt of a copy of this order.
- iii. Liberty is reserved in favour of the petitioners to continue with the pending enquiry and pass appropriate orders, in accordance with law.



- iv. All rival contentions as regards the quantum of subsistence allowance, salary, arrears of salary payable to the 5th respondent are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

VS
List No.: 1 Sl No.: 8