



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT PETITION NO. 102011 OF 2026 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL
EDUCATION LITERACY,
M.S.BUILDING,
BANGALORE-560001.
2. THE ADDITIONAL COMMISSIONER
DEPT. OF SCHOOL EDUCATION,
RODDA ROAD, DHARWAD-580005.
3. THE DEPUTY DIRECTOR OF
SCHOOL EDUCATION (ADMINISTRATION),
BELAGAVI SOUTH,
BELAGAVI-590001.
4. THE BLOCK EDUCATION OFFICER
BAILHONGAL, TQ: BAILHONGAL,
DIST: BELAGAVI-591101.

...PETITIONERS

(BY SRI. SHARAD V.MAGADUM, AGA)

VISHAL
NINGAPPA
PATTIHAL

Digitally signed by
VISHAL NINGAPPA
PATTIHAL
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



AND:

SRI. SADAPPA P. DASAPPANAVAR
S/O. PAKKAPPA,
AGE: 60 YEARS, WORKING AS
BLOCK EDUCATION OFFICER,
BELAGAVI RURAL BLOCK
EDUCATION OFFICER, BELAGAVI,
R/O. 2ND CROSS, PATRI BASAV NAGAR,
BAILHONGAL, TQ: & DIST: BELAGAVI-591101.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN
THE NATURE OF CERTIORARI TO QUASH THE ORDER
DATED 22.04.2024 PASSED BY THE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL, BELAGAVI IN
APPLICATION NO.10805/2023 (ANNEXURE-D TO THE
WRIT PETITION) AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

The writ petition is filed seeking direction or order in the nature of certiorari to quash the order dated 22.04.2024 passed by the Karnataka State Administrative Tribunal, Belagavi in Application No.10805 of 2023.

2. Heard learned Sri Sharad V Magadum, learned AGA for the petitioners.

3. The respondent –applicant was working as Block Education Co-ordinator at Block Resources Center, Savadathi during the year 2007-08. On the basis of some allegations, the respondent –applicant was placed under suspension. Petitioner No.2, based on the very allegations issued Articles of charge on 13.12.2007. The respondent –applicant submitted his reply and denied the charges. Petitioner No.2 not satisfied with the reply has proceeded to hold enquiry



and appointed enquiry officer. The enquiry officer after holding enquiry submitted his report on 26.12.2008 holding charge as proved. Petitioner No.2 issued second show cause notice to the respondent – applicant on 24.01.2009. The respondent –applicant submitted his reply on 13.02.2009. Petitioner No.2, without considering the reply filed has passed the impugned penalty order on 31.03.2010 of withholding one annual increment with cumulative effect and treated the suspension as such. The respondent –applicant aggrieved by the order passed by petitioner No.2 has preferred an appeal before petitioner No.1 on 26.10.2010. petitioner No.1 after considering the grounds raised has allowed the appeal vide order dated 01.04.2022 and has set aside the penalty order and further directed petitioner Nos.2 to 4 to release back wages, annual increments and promotion with all consequential benefits.



4. The respondent –applicant on receipt of copy of the order passed by petitioner No.1 has submitted a representation on 13.05.2022 before petitioner No.2, and requested to comply the order passed by the appellate authority. The respondent – applicant thereafter submitted a representation on 08.05.2023 before petitioner No.2 for implementation of the order. Since petitioner Nos.2 to 4 have not considered the representations dated 13.05.2022 and 08.05.2023, the respondent –applicant left with no other option has filed the application before the Tribunal in Application No.10805 of 2023 with prayer to consider the representations dated 13.05.2022 and 08.05.2023 and to release the withheld increments, promotion, arrears of salary with consequential benefits.

5. Before the Tribunal, petitioner’s counsel has filed reply statement and memo along with the order dated 26.12.2022 passed by the Accountant



General stating that pay of the respondent has been fixed and the office of Accountant General vide order dated 11.04.2022 treating the suspension period from 12.02.2008 to 30.06.2008 as leave at credit has also regulated the pay of the respondent –applicant. The learned counsel submitted that petitioners have disbursed the incumbents, except the TA and DA during the suspension.

6. The Tribunal, considering the rival contentions has observed that the penalty order passed by the petitioner No.2 was allowed by petitioner No.1 with a direction to petitioner No.2 to release Rs.66,523/-. Petitioner No.2 has not released the said amount and not considered the case of the respondent –applicant for promotion though he was placed in the seniority list of 2019-20 at Sl.No.48. Petitioner No.1 while allowing the appeal has categorically held that the respondent –applicant is eligible for promotion with all consequential benefits.



The Tribunal further held that petitioners by filing the reply statement admitted that TA and DA arrears are still due and payable. After considering the said aspects, the Tribunal has held that representations of the respondent –applicant dated 30.05.2022 and 08.05.2022 requires to be considered and passed the impugned order. Under the impugned order, the Tribunal has allowed the application and directed the petitioner No.2 to consider representations filed by the respondent –applicant on 13.05.2022 and 08.05.2023 and pass appropriate order by considering the order passed by petitioner No.1 on 01.04.2022 and release the withheld increments and pay all the consequential benefits within a period of 04 months from the date of receipt of copy of the order.

7. Shri Sharad Magdum, learned AGA for petitioners would contend that the Tribunal has passed order based on the order passed by the



department in the appeal. The said order passed in the appeal has been recalled by virtue of the Government order dated 17.02.2025 –Annexure-E. He submits that when the said order passed in the appeal filed by the respondent –applicant has been recalled. There is no necessity of considering the representations of the respondent –applicant as per the order passed by the Tribunal dated 22.04.2024.

8. The respondent –applicant submitted representations dated 13.05.2022 and 08.05.2023. The said representations are submitted based on the order passed by petitioner No.1 dated 01.04.2022. The said order passed by petitioner No.1 on 01.04.2022 has not been challenged by petitioner Nos.2 to 4 as on the date of passing of the order by the Tribunal dated 22.04.2024. The respondent –applicant only to implement the said order passed by petitioner No.1 dated 01.04.2022 has submitted the said representations. The Tribunal has passed order



allowing the application, directed petitioner Nos.2 to 4 herein to consider the representations filed by the respondent –applicant dated 13.05.2022 and 08.05.2023. As on the date of order by the Tribunal dated 22.04.2024, the said Government Order dated 17.02.2025 passed by petitioner No.1 was not in existence. The said order of the Government dated 17.02.2025 has been passed subsequent to the order of the Tribunal dated 22.04.2024 passed in Application No.10805 of 2023. On perusal of the said order dated 17.02.2025 does not indicate that an opportunity was given to the respondent –applicant prior to passing of the said order. Under the said order, the order passed in the appeal filed by the respondent –applicant dated 01.04.2022 passed by the petitioner No.2 has been recalled. Considering the subsequent event i.e., order dated 17.02.2025, the order challenged in the present writ petition cannot be interfered with.



9. Considering the said aspect, there is no merit in the writ petition and the petition is ***rejected.***

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
CT:VH
List No.: 2 Sl No.: 7