



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE MRS JUSTICE K.G.SHANTHI

CIVIL CONTEMPT PETITION NO. 100425 OF 2025

C/W

WRIT APPEAL NO. 100126 OF 2026 (S-RES)

IN CCC NO. 100425/2025:

BETWEEN:

ASHOK S/O HALAPPA MUDALLAVAR,
AGE. 42 YEARS, OCC. PRIVATE JOB,
R/O. KALVIHALLI, TQ. HIREKERUR, DIST. HAVERI.

...COMPLAINANT

(BY SRI. RAMACHANDRA V. BHAT, ADVOCATE)

AND:

1. DR. ISHWAR HOSAMANI,
THE DIRECTOR,
KARNATAKA INSTITUTE OF MEDICAL SCIENCES,
HUBLI, TQ. HUBLI, DIST. DHARWAD.

2. RAMESH KALASAD, KAS,
THE CHIEF ADMINISTRATIVE OFFICER/
FINANCE ADVISOR,
ATTACHED TO KARNATAKA INSTITUTE OF
MEDICAL SCIENCES,
HUBLI, TQ. HUBLI, DIST. DHARWAD.

...ACCUSED

(BY SRI. MALLIKARJUN S. HIREMATH, ADVOCATE FOR A1 AND A2)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, R/W. ARTICLE 215 OF CONSTITUTION OF INDIA 1950, PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED PERSONS UNDER THE PROVISIONS OF THE CONTEMPT OF COURTS, ACT AND PUNISH THE ACCUSED FOR DELIBERATELY DISOBEYING THE ORDER DATED 04.09.2025 PASSED IN W.P.NO.61864/2012 VIDE ANNEXURE-A AND ETC.



NC: 2026:KHC-D:9543-DB
CCC No. 100425 of 2025
C/W WA No. 100126 of 2026

IN WA NO. 100126/2026:
BETWEEN:

1. THE DIRECTOR,
PREVIOUSLY KARNATAKA INSTITUTE OF
MEDICAL SCIENCES,
NOW KARNATAKA MEDICAL COLLEGE AND
RESEARCH INSTITUTE,
HUBBALLI 580021, DIST. DHARWAD.
 2. THE CHIEF ADMINISTRATIVE OFFICER/FINANCE ADVISOR,
PREVIOUSLY KARNATAKA INSTITUTE OF
MEDICAL SCIENCES,
NOW KARNATAKA MEDICAL COLLEGE AND
RESEARCH INSTITUTE,
HUBBALLI 580021, DIST. DHARWAD.
- ...APPELLANTS
- (BY SRI. MALLIKARJUN S. HIEMATH, ADVOCATE)

AND:

ASHOK S/O HALAPA MUDALLAVAR,
AGE. 43 YEARS, OCC. WAS WORKING AS JUNIOR LAB
TECHNICIAN IN PREVIOUSLY KARNATAKA INSTITUTE OF
MEDICAL SCIENCES,
NOW KARNATAKA MEDICAL COLLEGE AND
RESEARCH INSTITUTE,
HUBBALLI 580021, DIST. DHARWAD.
R/O KALVIHALLI 581111,
TQ. HIREKERUR, DIST. HAVERI.

...RESPONDENT

(BY SRI. RAMACHANDRA V. BHAT, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT 1961, PRAYING TO SET-ASIDE
THE LEARNED SINGLE JUDGE'S ORDER DATED 04.09.2025
PASSED IN W.P.NO.61864/2012 (S-RES) AND CONSEQUENTLY
DISMISS THE WRIT PETITION NO.61864/2012 (S-RES), IN THE
INTEREST OF JUSTICE.

THE CCC AND THE WA COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
HON'BLE MRS JUSTICE K.G.SHANTHI



ORAL ORDER

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

Accepting the cause shown in the affidavit accompanying the application, IA No.2/2026 is allowed and delay of 146 days in filing the appeal is condoned.

2. W.A.100126/2026 is filed by the Karnataka Institute of Medical Sciences and the Chief Administrative Officer challenging the order of the learned Single Judge passed in W.P.No.61864/2012 dated 04.09.2025, whereby the learned Single Judge had allowed the petition filed by the employee setting aside the orders at Annexures-D, E and J with a further direction to reinstate the petitioner back into service together with all consequential benefits, salary, arrears of salary etc., within a period of 6 weeks.

3. The parties are referred to by their ranking in the writ petition.



4. The appellants who were the respondents in the writ petition have raised various contentions including that the petitioner's appointment was subject to production of validity certificate and accordingly the action of the respondents could not be found fault with. It is submitted that where the offer of employment is conditional upon production of validity certificate, the fact that there was delay due to legal proceedings for obtaining the same cannot have the effect of vitiating the action taken by the respondents.

5. Learned counsel for the petitioner would submit that the delay in obtaining validity certificate is due to legal proceedings initiated in order to obtain the validity certificate and that the proceedings finally resulted in an order passed in W.P. No. 116190/2019, whereby the refusal to grant validity certificate was set aside and a consequential direction was granted. Such order passed in W.P. No. 116190/2019 having attained finality, the petitioner was issued with a caste validity certificate on



04.06.2025, affirming that the petitioner belongs to 'Category-2A'.

6. The learned Single Judge taking note of such subsequent event had set aside the orders at Annexures-D, E and J and directed for reinstating the petitioner with consequential benefits. Petitioner submits that he would give up certain consequential benefits if the employer who is the respondent makes absolute the order of reinstatement and also grants benefits for the purpose of calculation of superannuation benefits by granting continuity in service as regards the period that the petitioner had worked i.e. from 24.04.2009 to 31.03.2013 and the service benefit is granted from June, 2025 onwards, on which date validity certificate was obtained by the petitioner.

7. Noticing that the aspect of caste being a non-variable factor, obtaining of validity certificate due to the pendency of legal proceedings cannot prejudice the right



of the petitioner as there was no other defect or lacuna in the records, except that validity certificate was not produced and the said certificate having been issued though belatedly on 04.06.2025, the order of the learned Single Judge could be modified to a limited extent while upholding the substantive findings.

8. Learned counsel appearing for the respondent - employer would submit that the proposal of the petitioner may be taken note of and appropriate directions be passed so as not to cause financial prejudice to the employer. It is further submitted that the employer was constrained to take the present course of action because the petitioner had not produced the caste validity certificate.

9. After hearing both the sides, we find no reason to interfere with the order of the learned Single Judge while we seek to modify the portion of consequential benefit in light of the stand of the petitioner and taking



note of the stand of the respondents by leaving it for the Court to mould appropriate relief.

10. Accordingly, noticing that the caste certificate was eventually obtained by the petitioner after a prolonged legal proceedings and after the order was passed in W.P. No. 116190/2019 and noticing that the validity certificate was eventually issued on 04.06.2025 and taking note of the submission of the petitioner as well as the respondents, the following order is passed:

ORDER

(i) The order of the learned Single Judge dated 04.09.2025 passed in W.P.No.61864/2012 is upheld subject to modification insofar as consequential benefit is concerned as below.

(ii) The consequential benefit of continuity in service for the purpose of superannuation benefit would be taken.

(iii) Insofar as continuity in service, the period of service would include taking note of service rendered between 24.04.2009 to 24.08.2013, as



well as taking note of service rendered from 04.06.2025 onwards. Such direction is passed taking note that the caste validity certificate having been issued on 04.06.2025, petitioner's entitlement would revive. It is also noticed that during the pendency of the proceedings, the petitioner had been reinstated.

(iv) Taking note of the order of reinstatement passed on 20.06.2026, the same is now made absolute.

11. Accordingly, taking all factors into account, the period of service for the purpose of superannuation benefit would be as mentioned above. The restriction in such benefit as granted by the learned Single Judge is also passed taking note of the stand of the petitioner. Further, the request of the petitioner that he was not paid full wages from April, 2010 to April, 2013 is to be taken note of and appropriate steps be taken. The plea of the petitioner that he was paid only Rs.6,000/- for the said period though his entitlement was much more, to be looked into by the employer appropriately. The concession



regarding consequential benefits was made by the petitioner to ensure that there is conclusion of the lis and such concession would entitle the petitioner to seek for unpaid wages as the petitioner was entitled for a period of April, 2010 to April, 2013. Such order is passed taking note of the peculiar facts of the case.

12. If there are any other service benefits left out in the period of actual work, it is open for the petitioner to make a separate representation which would be considered as is permissible in terms of the applicable regulations.

13. In light of the above, the writ appeal is ***disposed of.***

14. In light of disposal of writ appeal modifying the order passed in W.P.No.61864/2012, C.C.C.No. 100425/2025 filed asserting disobedience of the order passed in W.P.No.61864/2012, is ***dropped.***



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All pending applications stand disposed of as not calling for further adjudication.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(K.G.SHANTHI)
JUDGE

VP
LIST NO.: 2 SL NO.: 18