



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. 102203 OF 2026 (S-KAT)

BETWEEN:

SRI. PARSAPPA H
S/O. SRI. GALEMMA,
AGED ABOUT 43 YEARS,
OCC: ASST. PROFESSOR,
SAYT GOVERNMENT
FIRST GRADE COLLEGE,
KUDLIGI, KUDLIGI TQ.,
VIJAYANAGAR DIST - 583 125,
R/O. REVENNASIDDDESHWARA,
OPP. TO DEVI MEDICALS,
KAPPAGAL ROAD,
BALLARI - 583 117.

...PETITIONER

(BY SRI. SUNIL S. DESAI, ADV.)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION
(COLLEGIATE), M.S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER OF
COLLEGIATE AND
TECHNICAL EDUCATION,
SHESHADRI ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 & R2)

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad
Bench



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO, CALL FOR THE RELEVANT RECORDS AND, ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 18/02/2026 PASSED BY HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.10863/2025 VIDE ANNEXURE-G, AND CONSEQUENTLY ALLOW THE APPLICATION, IN THE INTEREST OF JUSTICE AND EQUITY. PASS ANY OTHER ORDER AS THIS HON'BLE TRIBUNAL DEEMS FIT, IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE COST OF THIS APPLICATION, IN THE INTEREST OF JUSTICE AND EQUITY.

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 B.M.SHYAM PRASAD)

The petitioner is working as an Assistant Professor with SAVT Government First Grade College, Kudligi, Vijayanagara District [*the Institution*], and he has filed his application in A.No.10863/2025 with the Karnataka State Administrative Tribunal [for short, 'KSAT'] impugning the second respondent's order dated 16.07.2025 keeping him under suspension pending initiation of departmental proceedings. The Tribunal has rejected the petitioner's application in A.No.10863/2025 by the impugned order dated 18.02.2026.

2. The Tribunal, by its order dated 19.12.2025, has rejected the petitioner's interim application for stay of the second respondent's order dated 16.07.2025. The petitioner has filed the petition in W.P. No.110004/2025 calling in question the Tribunal's order dated 19.12.2025. This Court, on



23.12.2025, has allowed the writ petition granting an interim order. The second respondent has thereafter continued the petitioner in service. Sri Sunil S. Desai, the learned counsel for the petitioner, and Sri Sharad Magadam, the learned Additional Government Advocate for the respondents are heard for disposal of the petition.

3. The facts relevant for the disposal of the present petition are stated thus. The complaint against the petitioner, and the reason to keep him under suspension, is that he has sexually harassed a student [*the Complainant*] who had enrolled in the Institution in the year 2021-22 for graduation in Arts. The Complainant has filed complaints alleging that the petitioner coerced her into physical intimacy under threat of disrupting her studies if she did not co-operate. The complainant has filed her first complaint with the principal of the Institution in July 2023 and again in August 2024.



4. The Internal Complaints Committee in the Institution¹ has filed its report on 24.07.2024, after inquiring with both the complainant and the petitioner, opining that both are selective in furnishing the messages shared with each other and that the allegation of the petitioner bringing the complainant under duress must be examined by a competent body as it does not have necessary resources in that regard. The Internal Complaints Committee's report is placed with the jurisdictional Joint Commissioner, and ultimately, the Director, Collegiate Education [*the Director*] has conducted another inquiry.

5. The Director has recorded the Statements of complainant and the petitioner. The complainant has reiterated the allegation about the petitioner forcing her into physical intimacy stating that the petitioner's wife has also intervened on his behalf

¹*The Committee constituted under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.*



with her to withdraw the complaint. The complainant has stated that she has informed a Hon'ble Minister who was visiting the Institution without the details of the visit. The petitioner has stated that in July, 2024 he received a call from a journalist, and when he met the Journalist as insisted, there was a demand for Rs.10,00,000/- not to pursue the compliant against him.

6. The Director has also inquired with the incumbent principal of the Institution, and the principal, referring to some instances of alleged altercation, has stated that the petitioner has denied the allegation and that the petitioner was not brought under any duress by any person within the Institution. The Petitioner has been on leave for some time during this period. The Director has filed the Report on 29.01.2025 opining that there is no evidence of any sexual misdemeanor by the petitioner, but he has failed in discharging his responsibilities towards a student. Crucially, the



Director has opined that possibly there was a consensual interaction between the petitioner and the complainant. The second respondent's impugned decision to keep the petitioner under suspension is in the light of this report by the Director.

7. The petitioner has contested the second respondent's decision to keep him under suspension asserting *inter-alia* that **[a]** the second respondent is not the Appointing Authority and therefore this Officer could not have kept him under suspension in exercise of the powers under Rule 10 of the Karnataka Civil Service [Classification, Control and Appeal] Rules, 1957 [for short, '*the 1957 Rules*'], and **[b]** the complaint against him is motivated and this is seen from the fact, amongst others, that the complainant, who alleges coercion and harassment, did not file a complaint while she was pursuing her graduation and the complaint is filed after the Petitioner refused a ransom.



8. The respondents have justified the decision to keep the petitioner under suspension relying upon the allegations, the petitioner's responsibilities as an Assistant Professor and the process followed to *prima facie* verify the allegations against him. This Court must also record that, after the Tribunal had completed the hearing and reserved the petitioner's application, the respondents filed a copy of the post facto approval granted by the Hon'ble Minister for Higher Education approving the decision to keep the petitioner under suspension.

9. The Tribunal, has affirmed the second respondent's decision to keep the petitioner under suspension observing that the decision to keep an employee under suspension cannot be a penalty and that the petitioner for the first time has taken up the contention that the Hon'ble Chief Minister had not approved the decision to keep him under suspension as required under Rule 36 of the Karnataka Government [Transaction of Business Rules], 1977



[for short, '*the 1977 Rules*']. The Tribunal has also opined that the allegation against the petitioner is of sexual misdemeanor and the materials against the petitioner *prima facie* show gross dereliction of duty as contemplated under Rule 10 (1)(d) of the 1957 Rules.

10. The first question that must be answered for a decision on the petitioner's grievance with the second respondent's decision dated 16.7.2025 to keep him under suspension and the confirmation thereof by the impugned order dated 18.02.2026 is on the second respondent's jurisdiction to take such decision. The second respondent's decision is in exercise of powers under Rule 10(1) of the 1957 Rules, which in its material part reads as under:

"10. Suspension - (1) The Appointing Authority or any authority to which it is sub-ordinate or any other authority empowered by the Government in this behalf may place a Government Servant under suspension.



xxxxxx

*(d) Where there is prima facie evidence
of gross dereliction of duty against him.]*

*[Provided that, where the order of
suspension is made by an authority
empowered by Government in this
behalf which is lower than the
appointing authority, such authority
shall forthwith report to the appointing
authority the circumstances in which
the order was made.]”*

11. The Appointing Authority, or any authority subordinate to the Appointing Authority as empowered by the State Government, can keep an employee under suspension. The decision to keep the employee under suspension could be for any of the reasons mentioned in Rule 10(1)(a) to 10(1)(d), and in this case the decision to keep the petitioner under suspension could only be under Rule 10(1)(d) of the 1957 Rules. If the Appointing Authority takes a decision to keep an employee under suspension, the merits of that decision will only be tested to verify



whether it is for any of the reasons mentioned in Rule 10(1)(a) to 10(1)(d). However, if the decision is by an Authority which is lower than the Appointing Authority [*but when authorized by the State Government*], the merits of that decision will also be examined to verify whether there is compliance with the requirement under the proviso.

12. If the decision is by an Authority lower than the Appointing Authority, such lower Authority must forward a report immediately to the Appointing Authority setting forth the reasons for the decision. When an Authority lower than the Appointing Authority takes a decision to keep an employee under suspension, apart from satisfying reasons as contemplated under Rule 10(1)(a) to 10(1)(d), the decision will pass muster in law only when it is shown that **[a]** such authority is empowered by the State Government to take such decision, and **[b]** this Authority forwards a report, giving the reasons for the decision, immediately to the Appointing Authority.



13. This scheme in Rule 10 does not contemplate a decision by an Authority which is lower than the Appointing Authority and a post-facto decision approval by the State Government. It is undisputed that the second respondent is not the petitioner's Appointing Authority, and it is the first respondent². The respondents have failed to bring on record material to justify that the State Government has empowered the second respondent to decide whether an employee such as the petitioner must be kept under suspension if the circumstances so justify.

14. The Tribunal has referred to the 1977 Rules, and this is because of this Court's following observation in W.P. No.110004/2025. This Court's observation reads as under.

² *The Karnataka Education Department Services (Collegiate Education Department) (Recruitment of Assistant Professor) (Special) Rules, 2020 stipulates that the State Government [the first respondent] is the Appointing Authority.*



“6. Perusal of application at Annexure-A and interim application at Annexure-C reveal specific contention about order of suspension being passed in violation of Rule 36 of Rules was taken only in application for additional documents. It is also seen from order sheet of Tribunal proceedings that respondent-State has not filed objections to interim application despite being provided sufficient opportunity. To substantiate submission, our attention is also drawn to endorsement issued by respondent no.2 dated 19.09.2025 (though in context of rejecting an application for furnishing of documents) that there was no post facto approval of order of suspension by Government and insofar as Group-A officers, Government was disciplinary authority. Said submission would prima facie fall in line with petitioner’s contention and respondent-State would be required to traverse such specific contention as it would go to root of matter.”

This Court’s observation on post-facto approval is in the context of an endorsement issued rejecting an application filed by the petitioner for copies of certain documents, but this Rule will not be very germane in



the peculiarities of the case where the second respondent, not being the Appointing Authority, has issued the impugned order keeping the petitioner under suspension.

15. The Tribunal has verified the merits of the second respondent's decision based on the allegations of sexual misdemeanor without referring to the Internal Complaints Committee's Report dated 24.07.2024 and the Director's subsequent Report dated 29.01.2025. The first report records that the complainant is selective, as the petitioner is, in sharing the WhatsApp messages. The second report is that there could be some kind of a consensual interaction between the petitioner and the complainant, though it also records that the petitioner may have breached the higher standards expected of a professor in exchanging WhatsApp messages with the complainant.



16. These aspects must also be considered, when assessing a *prima facie* case required under Rule 10(1)(d) of the 1957 Rules along with the fact that the complainant has not lodged a complaint, as asserted by the petitioner, until she completed her graduation with the petitioner asserting that he was under duress to pay a ransom. The petitioner has continued in service during the pendency of his Application with the Tribunal. This Court, on a careful consideration, must opine that the second respondent and the Tribunal have not considered these circumstances and this has resulted in an irregular decision justifying interference. Hence, the following:

ORDER

A. The writ petition is allowed quashing the second respondent's order dated 16.07.2025 [Annexure-A3] and the Tribunal's order dated 18.02.2025 [Annexure -G]



B. The second respondent is directed to permit the petitioner to continue in duty, but without prejudice to the respondents to begin departmental proceedings as permissible under the service Rules.

C. It is needless to observe that this Court has made no observations on the merits of the allegations which must necessarily be considered in the departmental proceedings.

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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE