

WA NO. 100133/2026 (S - RES)

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[SHRI SHANKARLING S/O NAGAPPA GOGI VS. THE STATE
OF KARNATAKA AND OTHERS]

13.03.2026
(VIDEO CONFERENCING)

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

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

The appellant is unsuccessful in his writ petition in W.P. No.104498/2025. The appellant had filed this writ petition calling in question the third respondent's order dated 29.06.2024 asserting a right to continue as the Project Director, Bagalkote Nirmiti Kendra.

Sri A.S. Patil, the learned counsel for the appellant, argues for an interim order contending that the appellant had the benefit of the interim order during the pendency of the writ petition and that because the appellant has a good case on merits, this Court must, during the pendency of this appeal, permit the petitioner to continue as the Project Director, Bagalkote Nirmiti Kendra.

When queried, Sri Vijay Kumar, a learned counsel who is permitted to take notice for respondent No.2, submits that the appellant cannot insist on his continuance as the Project Director with Bagalkote Nirmiti Kendra in the circumstances of the case and the appellant can report to duty with the second respondent [*KARNIK*] as a Deputy Director and that he would be admitted to all remuneration.

Sri. Vyas Desai, the learned counsel for respondent No.4, and Sri Sharad V. Magdum, the learned Additional Government Advocate, who accepts notice for respondent No.1, are heard and the impugned order is perused. Apart from the antecedent circumstances and the rival submissions which are considered by the Writ Court, one of the factors that must indeed be considered is: *has the appellant been rightly non-suited on the ground of suppression of material facts.*

This will require consideration as would the other aspects of the case, but with the second respondent being categorical that the appellant could report to duty with *KARNIK* and he will be admitted to all remuneration and the

writ Court's opinion on suppression of facts, this Court is of the opinion that the appellant must be at liberty to report to duty with the *KARNIK* as a Deputy Director subject to further orders but without prejudice to the defence or any equity in the respondents. It is ordered accordingly and this arrangement shall prevail until further orders and with liberty to the respondents to complete their pleadings.

The office is directed to relist this appeal on **08.04.2026.**

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KMS
List No.: 2 Sl No.: 6