



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF APRIL 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100133 OF 2026 (S-RES)

BETWEEN:

SHRI. SHANKARLING S/O. NAGAPPA GOGI,
AGE: 50 YEARS, OCC: PROJECT DIRECTOR,
BAGALKOTE NIRMITHI KENDRA,
R/O. #109/2, WARD NO.11, PLOT NO.55,
POSTAL COLONY, 2ND CROSS, VIDYAGIRI,
BAGALKOTE-587102, TQ: & DIST: BAGALKOTE.

... APPELLANT

(BY SRI. A.S.PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
TO THE DEPARTMENT OF HOUSING,
M. S BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE KARNATAKA STATE BUILDING
CENTRE (KARNIK),
REPRESENTED BY ITS CHIEF EXECUTIVE
OFFICER,
AND MANAGING DIRECTOR,





RAJIV GANDHI RURAL HOUSING
CO-OPERATIVE LTD., III AND IV FLOOR,
CAUVERY BHAVAN, K.G ROAD,
BENGALURU-560009.

3. THE NIRMITHA KENDRA,
BAGALKOTE DISTRICT,
REPRESENTED BY ITS EX-OFFICIO,
CHAIRMAN AND THE DEPUTY COMMISSIONER,
BAGALKOTE-587103,
TQ: & DIST: BAGALKOTE.

4. SHRI. SHIVAKUMAR S/O. NANJAYYA HIREMATH,
AGE: 50 YEARS, OCC: PROJECT ENGINEER,
BAGALKOTE NIRMATHI KENDRA,
R/O. NAVANAGAR, BAGALKOTE-587103,
TQ: & DIST: BAGALKOTE.

... RESPONDENTS

(BY SRI. SHARAD V.MAGADUM, AGA FOR R1;
SRI. VIJAYKUMAR BAJANTRI, ADVOCATE FOR R2;
SRI. JAGADISH PATIL, ADVOCATE FOR C/R4)

THIS WRIT APPEAL IS FILED U/S.4 OF
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 04.03.2026 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.104498/2025 AND
ACCORDINGLY TO ALLOW THE WRIT PETITION FILED
BY THE APPELLANT AS PRAYED FOR, IN THE INTEREST
OF JUSTICE AND EQUITY; AND ETC.



THIS WRIT APPEAL COMING ON FOR
PRELIMINARY HEARING THIS DAY, JUDGMENT WAS
DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

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

The appellant is unsuccessful in his writ petition in W.P. No.104498 of 2025. The writ Court has rejected this writ petition by the impugned order dated 04.03.2026. The appellant had filed this writ petition calling in question the third respondent's decision to remove him from the Office as Project Director, District Nirmiti Kendra, Bagalkot District and place the fourth respondent, who was working as Project Engineer, in his place.

2. The writ Court has non-suited the appellant on the ground of suppression of material



facts opining that he should be disentitled to any remedy in proceedings under Article 226 of the Constitution of India. If the first question is whether this Court must interfere with this finding and the outcome, the other questions arise because of certain subsequent events. The writ Court's finding against the appellant and the subsequent questions are in the light of the following indisputable facts and circumstances.

3. The Office of Project Director with a District Nirmiti Kendra is not a permanent post, and the District Governing Council of a District Nirmiti Kendra decides who should be appointed as the Project Director. This Governing Council is chaired by the Deputy Commissioner concerned. The appellant was appointed as the Project Director with the Bagalkot District Nirmiti Kendra in the year 2012, and he has continued in the office until the decision



to remove him on 29.06.2024 placing the fourth respondent In-Charge.

4. The appellant has called this order in question in W.P. No.103730 of 2024, but the appellant has withdrawn this writ petition on 14.08.2024 allegedly because he was assured a favourable order to reinstate him in the Office of the Project Director, but, on 29.10.2024, he is appointed to the Office of Deputy Director with the second respondent [*another temporary appointment*]. The appellant has also reported to duty on 30.10.2024. In perhaps a misadventure, the appellant has suppressed this turn of events and has filed his next writ petition in W.P. No.104498 of 2025 calling in question the decision, on 29.06.2024, to displace him.

5. The writ Court has granted an interim order on 14.07.2025, and pursuant to such interim order, the appellant has replaced the fourth



respondent and has assumed the Office as the Project Director with Bagalkot District Nirmiti Kendra but when these circumstances are brought on record, the writ Court has intervened, as observed earlier, to opine that the appellant cannot be admitted to any relief in the proceedings under Article 226 of the Constitution of India.

6. In this appeal, this Court, on 13.03.2026, has reserved liberty to the appellant to report to duty with *KARNIK* to the post of Deputy Director because Sri Vijay Kumar, the learned counsel for the second respondent, had placed on record that the appellant could report to duty with *KARNIK* subject to further necessary orders while contending that the appellant cannot be reinstated to the Office of the Project Director with Bagalkot District Nirmiti Kendra. It is now brought on record that, in the interregnum itself, the post of Deputy Director with the *KARNIK* is abolished and therefore the *KARNIK* had difficulties



in permitting the appellant to mark attendance or assign duties.

7. Sri A. S. Patil, the learned counsel for the appellant, submits that the appellant would seek redressal of his grievance with liberty to file a representation with the Bagalkot District Nirmiti Kendra making a case for appointment as Project Manager with this Kendra asserting that this will be a non-executive post and therefore there should not be any impediment given the appellant's service with this Bagalkot District Nirmiti Kendra. However, Sri Vijay Kumar is vociferous in asserting and contesting these assertions stating that even the post of Project Manager [*a temporary post*] is an executive post and the appellant, given the nature of allegations and the pending criminal proceedings, cannot be appointed to even such post. Both Sri Jagdish Patil, the learned counsel for the fourth respondent, and Sri Sharad



Magadum, the learned Additional Government Advocate, support these submissions.

8. The next turn of events which is required to be considered by this Court for disposal of this writ appeal is as regards the fourth respondent. Sri Jagdish Patil submits that the Bagalkot District Nirmiti Kendra should have permitted the fourth respondent to report to duty immediately after the communication of the writ Court's impugned order dated 04.03.2026 because the fourth respondent was placed In-Charge of the Office of Project Director on 29.06.2024 and he has continued in such post until 14.07.2025 when he was disturbed only because of the interim order granted by this Court in W.P. No.104498 of 2025. The learned counsel submits that he is now informed by the Office of the Jurisdictional District Commissioner that a third person has been placed In-Charge of the Office of the



Project Director. In fact, a copy of the order dated 16.04.2026 in this regard is placed on record.

9. Sri Sharad V. Magadum, who is extended an opportunity to respond to this turn of events, states, on instructions, that this is only a temporary arrangement because of the ongoing by-election process and that appropriate decision will be taken by the Governing Council on who should be the Project Director and Project Manager with the District Nirmiti Kendra.

10. The first question whether this Court must interfere with the writ Court's conclusion to non-suit the appellant does not require any elaboration in the light of the undisputed facts and the appellant's own case that his grievance would be redressed if he is permitted to make a representation with the third respondent for his appointment as a Project Manager with the District Nirmiti Kendra.



However, this presents the question as to whether this Court could indeed make any observations even if some liberty is to be granted to the appellant. There is a dispute over whether the Office of the Project Manager is an Executive Post or a Non-Executive post.

11. The appellant stands trial on different allegations under the provisions of the Prevention of Corruption Act, 1988 and there is also a concluded opinion that there is suppression of material facts in filing writ petition in W.P.No.104498 of 2025. These circumstances must be considered before any decision is taken, and this Court opines that if the appellant is reserved with liberty to make an application for his appointment, the Governing Council of the District Nirmiti Kendra must consider the afore and every other aspect for a just decision. However, this Court must observe that in the light of the appellant's stand there can be no question of the



appellant asserting a right for an appointment with the second respondent. The next question is whether the fourth respondent must be excluded from the Office of the In-Charge Project Director.

12. This Court, in the peculiarities of the case, is of the considered view that this is also a question that must be considered by the Governing Council of the District Nirmiti Kendra keeping in mind the following circumstances.

[A] The fourth respondent was placed In-Charge of this Office by the order dated 29.06.2024 and he continued in this Office for over a year and that is until he had to yield in favour of the appellant because of the interim order granted by the writ Court on such date [14.07.2025] in the writ petition filed by the appellant.



[B] The appellant has continued in his Office until the writ Court's impugned order [04.03.2026]. This Court is now informed that a third person is placed In-Charge not because of any material against the fourth respondent but because of the ongoing by-election process.

13. These are all circumstances which must necessarily be considered before any other arrangement is made *lest* it be that the Authorities are seen to be acting whimsically and without regard to the relevant facts and circumstances even in the case of temporary appointments but with substantial responsibilities. There must be a just direction in this regard while disposing of this writ appeal. Hence, the following:



ORDER

The writ appeal stands disposed of in the following terms:

[i] The appellant is reserved with liberty to file a representation with the third respondent for consideration of his appointment to the post of Project Manager and that the third respondent must consider such representation expeditiously and in the light of this Court's observations on the reasons that must visit a decision in this regard.

[ii] The appellant is reserved with liberty to file such representation with the third respondent within four [4] weeks from the date of receipt of a certified copy of this order.



[iii] The third respondent, upon receipt of a certified copy of this order, shall communicate to the fourth respondent the decision of his continuance as the In-Charge Project Director of the Bagalkot District Nirmiti Kendra.

[iv] The third respondent shall communicate its decision within four [4] weeks from the date of receipt of a certified copy of this order, and the fourth respondent is reserved with liberty to file a certified copy of this order within one [1] week from the date of receipt thereof.

[v] This Court must reiterate a decision both on the appellant's request for appointment as Project Manager and on the fourth respondent's



continuance as In-Charge Project
Director with the Bagalkot District
Nirmiti Kendra it must be considered
by the Governing Council in the light
of the Court's observations.

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

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

VNP & KGK / CT: VH
List No.: 2 Sl No.: 5