



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 4TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 102131 OF 2024 (S-RES)

BETWEEN:

SHIVAPPA HANUMAPPA BHAJANTRI
AGE: 36 YEARS, OCC: NOW NIL,
R/O. LINGANABANDI VILLAGE,
P/O. HIREHARALAHALLI, TQ: YALBURGA,
DIST: KOPPAL-583277.

...PETITIONER

(BY SRI. AVINASH S. MALIPATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY CHIEF SECRETARY,
SOCIAL WELFARE DEPARTMENT,
VIKAS SOUDHA, BENGALURU-560001.
2. DEPUTY DIRECTOR
SOCIAL WELFARE DEPARTMENT,
KOPPAL, DIST: KOPPAL-583231.
3. THE PRINCIPAL
MORARJI DESAI RESIDENTIAL SCHOOL,
LINGANABANDI, TQ: YELBURGA,
DIST: KOPPAL-583236.
4. THE PRESIDENT
KOPPAL DISTRICT PUBLIC RESIDENTIAL HOSTELS,
WORKERS CO-OPERATIVE SOCIETY,
R/O. GURUBASAVANILAYA SATHYA DHYANA
PURA BADAVANE, PROMOD TEMPLE ROAD,
KOPPAL-583231.





5. UMESH HANAMAPPA JAMBALI
AGE: 34 YEARS, OCC: AGRICUTLURE,
R/O. LINGANABANDI VILLAGE,
P/O. HIREHARALAHALLI, TQ: YELBURGA,
DIST: KOPPAL-583277.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 AND R2;
SRI. AMIT ANANDHALLI, ADVOCATE FOR
SRI. S.G.KADADAKATTI, ADVOCATE FOR R5;
NOTICE TO R3 AND R4 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING THE ORDER PASSED BY THE RESPONDENT NO.4 BEARING NO. KOJISAJAWANIKAAKASASAMKO/NI.YO.GA-2023-24 DATED 08/01/2024 VIDE ANNEXURE-H; ISSUE THE WRIT OF CERTIORARI QUASHING THE APPOINTMENT ORDER PASSED BY THE RESPONDENT NO.4 BEARING NO. NIL AND UNDATED VIDE ANNEXURE-J; ISSUE THE WRIT IN THE NATURE OF MADNAMUS DIRECTING THE RESPONDENTS NO.2 TO 4 TO CONSIDER THE REPRESENTATIONS VIDE ANNEXURE-M, M1 AND M2 DATED 3/2/24 AND 5/2/24 AND 3/2/24 RESPECTIVELY AND APPOINT HIM AS THE WATCHMAN OF THE RESPONDENT NO.3 SCHOOL IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT PETITION COMING ON FOR **PRELIMINARY HEARING IN 'B' GROUP** THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

1. The petitioner has called in question the order passed by Respondent No.4 dated 08.01.2024 (Annexure-H), whereby the petitioner was dismissed from service.
2. Heard the learned counsel for the petitioner, learned Additional Government Advocate appearing for Respondent Nos.1 and 2, and learned counsel appearing for Respondent No.5.
3. Though Respondent Nos.3 and 4 are duly served, they have chosen to remain unrepresented.
4. The petitioner was appointed by Respondent No.4 - Society as a Watchman and was deputed to Respondent No.3 Institution, pursuant to the appointment letter dated 21.06.2014. The petitioner continued in service uninterruptedly from 21.06.2014 till December 2024, i.e., till the issuance of the impugned dismissal order.



5. It is stated that, based on a letter addressed by the MLA of the concerned constituency (Annexure-F), Respondent No.2 issued a communication dated 18.11.2023 (Annexure-G) recommending Respondent No.4 to dismiss the petitioner from service and to appoint Respondent No.5 in his place. Prior thereto, Respondent No.2 had addressed a letter to Respondent No.3 directing it to conduct an enquiry and submit a report regarding the alleged complaint given against the petitioner. After a considerable lapse of time, and without furnishing any report or notice to the petitioner, the petitioner was dismissed from service.
6. Learned counsel for the petitioner submits that Respondent No.4, before terminating the petitioner from service, ought to have afforded a reasonable opportunity to the petitioner to defend himself. The so-called enquiry conducted pursuant to the complaint was done without issuing any notice to the petitioner



and without granting him an opportunity of hearing. The entire action leading to the dismissal of the petitioner is therefore in gross violation of the principles of natural justice and contrary to the guidelines issued by the Government (Annexure-K), wherein it is stated that, even in cases of contractual appointments, termination cannot be effected without issuance of notice and without calling for an explanation from the appointee. In the present case, no notice whatsoever was issued prior to termination.

7. *Per contra*, learned counsel appearing for Respondent No.5 seeks to justify the impugned action and submits he has been working in the same Institution under Respondent No.4.
8. This Court has carefully considered the rival contentions and perused the material on record.
9. The well-settled legal maxim *audi alteram partem* squarely applies to the present case, meaning that no



person shall be condemned unheard. The petitioner has been admittedly removed from service without issuance of notice, without affording an opportunity of hearing and without conducting a proper enquiry, is *ex facie* illegal and arbitrary. Therefore, the impugned order passed by respondent No.4 is unsustainable in law.

10. Para (9) at Annexure-K which is the guidelines issued by the Government, reads as under:

“9. ಯಾವುದೇ ಹೊರಗುತ್ತಿಗೆ ನೌಕರರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕುವ ಪೂರ್ವದಲ್ಲಿ ಸದರಿಯವರಿಗೆ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಿ ಅವರ ಲಿಖಿತ ಹೇಳಿಕೆ ಪಡೆದು ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳು ಅಥವಾ ಸಮಾನಂತರ ಇಬ್ಬರು ಅಧಿಕಾರಿಗಳ ಸಹಿ ಪಡೆದು ಸಹಿಯೊಂದಿಗೆ ಹೊರಗುತ್ತಿಗೆ ನೌಕರರನ್ನು ತೆಗೆದು ಹಾಕುವುದು.”

Emphasis supplied

11. The above guidelines specifically mandate that even in cases of contractual employment, termination shall not be effected without issuance of notice and without calling for an explanation from the employee.



12. In the present case, the impugned order has been passed in complete violation of the aforesaid guidelines and settled principles of natural justice, consequently, the order dated 08.01.2024 is unsustainable.

13. Accordingly, this Court pass the following order:

ORDER

- i. The writ petition is ***allowed***.
- ii. Order dated 08.01.2024 passed by respondent No.4 (Annexure-H) is hereby ***quashed***.
- iii. Respondent Nos.3 and 4 are directed to reinstate the petitioner as a Watchman or any other equivalent post, as the case may be, and such reinstatement shall be completed within a period of two weeks from the date of receipt of the certified copy of this order.
- iv. It is made clear that the order of reinstatement will not preclude the respondents from initiating



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appropriate action, if so advised, strictly in accordance with law, after affording the opportunity of hearing and by following the principles of natural justice.

**Sd/-
JUSTICE K.S.HEMALEKHA**

gab
Ct:VH
List No.: 1 Sl No.: 60