



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 103631 OF 2025 (S-RES)

BETWEEN:

DR. SARVAMANGALA D/O. MALLIKARJUN KUDARI
AGED ABOUT 58 YEARS,
OCC: KANNADA LECTURER,
M.V.WOMEN'S COMPOSITE PU COLLEGE,
VIDYANAGAR, HUBBALLI.
R/O. NO. 202, 2ND FLOOR
SAI SHELTER APARTMENT,
OLD INCOME TAX ROAD,
BEHIND GANAPATI TEMPLE,
VIDYANAGAR, HUBBALLI,
TQ: HUBBALLI, DIST: DHARWAD.

...PETITIONER

(BY SRI. SUNIL S.DESAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF EDUCATION,
(PRE UNIVERSITY)
MS BUILDING, BENGALURU-560001.
2. THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION,
(PRE UNIVERSITY),
1ST CROSS MALLESHWARAM,
BENGALURU-560012.
3. THE DEPUTY DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION





(PRE UNIVERSITY), DHARWAD,
DIST: DHARWAD-580001.

4. SARDAR VEERANAGOUDA PATIL
MAHILA VIDYA PEETHA,
REPRESENTED BY ITS PRESIDENT
SRI. BASANTHKUMAR PATIL,
VIDYANAGAR, HUBBALLI,
DIST: DHARWAD-580001.
5. SMT. MANJULA B. MUNDARGI
AGED ABOUT 54 YEARS, OCC: PRINCIPAL,
R/O. RUDRAPPA HALLUR MITRA
VISHAL PARK, OPP. CHETAN COLLEGE,
VIADYANAGAR, HUBBALLI-580031.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R3;
SRI. SUHAS K.HOSAMANI, ADVOCATE FOR R4;
SRI. SHIVANAND MALASHETTI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RELEVANT RECORDS AND SET ASIDE THE LETTER BEARING NO.M.V.P:/H.O/724/2025-26 DATED 21-05-2025 ISSUED BY THE 4TH RESPONDENT ALONG WITH ARTICLE OF CHARGE VIDE ANNEXURE-AG, AS ILLEGAL, ARBITRARY, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE A WRIT OF MANDAMUS TO THE 4TH RESPONDENT TO PROMOTE THE PETITIONER TO THE POST OF PRINCIPAL CONSIDERING COMMUNICATION DATED 02/02/2024 VIDE ANNEXURE-M ISSUED BY THE 3RD RESPONDENT, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

The petitioner has approached this Court, calling in question the legality of the articles of charges dated 21.05.2025, issued by respondent No.4-the Managing Committee (Annexure-AG).

Brief Facts:

2. The petitioner is working as a lecturer in the respondent-institution. Upon a vacancy arising to the post of the principal, she claimed entitlement to be considered on basis of seniority as contemplated under the relevant Circular.

3. Earlier, disciplinary proceedings were sought to be initiated through a notice issued by the Enquiry Officer, which came to be challenged by the petitioner in W.P.No.107607/2024 and the connected writ petition. This Court set aside the notice issued by the Enquiry Officer and reserved a liberty to the Managing Committee, to take appropriate action in accordance with law.



4. Subsequently, the Managing Committee has now issued the present articles of charges dated 21.05.2025 vide Annexure-AG, which are assailed in this writ petition.

5. Learned counsel for the petitioner submits that, the liberty reserved by this Court in the earlier proceedings did not authorise the Managing Committee to directly issue articles of charges without first issuing a show cause notice, by bypassing the procedure as contemplated under Rule 34(2) of the Karnataka Department of School Education (Pre-University) (Academic, Registration, Administration and Grant-in-aid etc.,) Rules, 2024 ("the Rules 2024" for short). According to the learned counsel Rule 34(2) mandates that a managing committee shall be competent to initiate disciplinary proceedings against its employees in "*accordance with these Rules*", which necessarily incorporate with the principles of natural justice. He submits that issuance of articles of charges preceding the show cause notice, deprives the petitioner of an opportunity of being heard before issuance of articles of charges.



6. *Per contra*, the learned counsel appearing for the respondent No.4 submits that under Rules 34(2) and 35(2) of the Rules 2024, the Managing Committee is competent to initiate disciplinary proceedings against employee. Reliance is placed upon the decision of the Apex Court in the case of ***State of Jharkhand and others Vs. Rukma Kesh Mishra***¹ ("*Rukma Kesh Mishra*"), to contend that ordinarily no writ lies against an issuance of articles of charges as held by the Apex Court in ***Rukma Kesh Mishra*** and that the petitioner will have an opportunity to defend herself in the enquiry and therefore interference at this stage is not warranted.

7. This Court has carefully considered the rival submissions and perused the material on record.

8. It is no doubt well settled law that this Court would not ordinarily interfere with the articles of charges or the show cause notice. However, as clarified by the Apex

¹ SLP(C) NO. 19223 of 2024



Court in the case of ***Rukma Kesh Mishra***, interference is permissible in some very rare and exceptional cases, where the action is found wholly without jurisdiction, procedurally illegal or in violation of the principles of natural justice, such interference without the Court entering into the merits of the allegations.

9. In the earlier writ proceedings, this Court *set-aside* the notice issued by the Enquiry Officer on the ground that under the Rules 2024, the disciplinary process is required to be initiated by the Managing Committee by following the prescribed procedure, and liberty was reserved to proceed in accordance with law. The expression, "*in accordance with law*", necessarily obligates the Managing Committee to issue a show cause notice and to follow the statutory rules and the principles of natural justice.

10. Rule 34(2) of the Rules 2024 provides that the Managing Committee shall be competent to initiate disciplinary proceedings, in accordance with the Rules.



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However, the said Rule does not dispense with the procedural fairness. On the contrary, it incorporates the requirement that initiation must be lawful, reasoned, and fair. When the earlier notice stood quashed, the disciplinary process stood reset. In such circumstances, the principles of natural justice warrants that a show cause notice should has been issued by the Managing Committee, calling upon the petitioner to submit her explanation as to why disciplinary proceedings should not be initiated against her. The direct issuance of articles of charges, without such an opportunity amounts to procedural irregularities.

11. For the foregoing reasons, this Court holds that the direct issuance of articles of charges by the Managing Committee without issuing of a show cause notice is contrary to Rule 34 of the Rules 2024 and violative of principles of natural justice and cannot be sustained.

12. Accordingly, this Court pass the following:



ORDER

- i. The writ petition is ***allowed.***
- ii. The impugned articles of charges dated 21.05.2025 vide Annexure-AG is hereby ***quashed.***
- iii. Respondent No.4-Managing Committee is at liberty to take appropriate action in accordance with law.
- iv. The prayer seeking mandamus for promotion to the post of principal cannot be considered at this Stage.

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