



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR JUSTICE S.G.PANDIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 4367 OF 2022 (S-KSAT)

BETWEEN:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT,
DEPARTMENT OF PRIMARY AND
SECONDARY EDUCATION,
M.S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
NRUPATHUNGA ROAD,
BENGLAURU - 560 001.
3. THE DIRECTOR
DEPARTMENT OF PUBLIC INSTRUCTIONS,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
4. THE DEPUTY DIRECTOR,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
CHITRADURGA DISTRICT,
CHITRADURGA - 577 501.

Digitally signed by
SHAKAMBARI
Location: HIGH
COURT OF
KARNATAKA



5. THE BLOCK EDUCATION OFFICER,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
CHITRADURGA TALUK,
CHITRADURGA - 577 501.

...PETITIONERS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. V. SHIVAREDDY, AGA)

AND:

SMT. NIRMALA T,
W/O UMESH S.R.
AGED 43 YEARS,
WORKING AS ASSISTANT TEACHER,
GOVERNMENT LOWER PRIMARY SCHOOL
PUNJARA HATTI, MOLAKALMUR TALUK,
CHITRADURGA DISTRICT.
RESIDING AT NEAR AMBEDKAR KALYANA MANTAP,
RAJENDRANAGAR, 5TH JOGIMATH ROAD,
CHITRADURGA - 577 501.

...RESPONDENT

(BY SRI. VIJAYA RAGHAVA SARATHY H.M, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL
FOR RECORDS IN APPLICATION No-5998/2021 IN ORDERS
PASSED BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE
TRIBUNAL DATED 20.01.2022 WHICH IS MARKED AS
ANNEXURE-A SET ASIDE THE ORDER DATED 20.01.2022
PASSED BY THE HONBLE KARNATAKA STATE ADMINISTRATIVE
TRIBUNAL BENGALURU IN APPLICATION No-5998/2021 WHICH
IS PRODUCED AS ANNEXURE-A AS ILLEGAL AND ULTRA VIRES.



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

CORAM: HON'BLE MR JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE S.G.PANDIT)

Petitioners/authorities in Education Department are
before this Court, questioning the legality or correctness of the
Order dated 20.01.2021 in Application No.5998/2021 passed by
the Karnataka State Administrative Tribunal (for short 'the
Tribunal'), by which, respondent's application is allowed and
following directions are issued:

*1. The impugned endorsement dated 16-02-2021 as at
Annexure A5 is quashed as being in defiance of the
order of this Tribunal in A.No.5970/2019 dated 22-10-
2019 that has become final.*

*2. The fourth respondent DDPI, Chitradurga, herein has
prima facie committed contempt of this Tribunal and
therefore, we direct registration of suo-motu case of
contempt against the fourth respondent herein.
Registrar shall take necessary action in this regard
within one month from the date of this order.*

*3. The applicant shall also be entitled to costs of this
litigation which we estimate at Rs.5000/- (Rupees Five
Thousand only) payable by the fourth respondent
institution within one month from the date of this order.*



4. The fourth respondent shall post the applicant to the post of Assistant teacher at Thippareddynagar, Government Lower Primary School, Chitradurga within one week from the date of this order. In the event, the post at Thippareddynagar Government Lower Primary School is filled up and there is no vacancy in the said school, the applicant shall be permitted to select any of the vacant posts in Kannada subject in Chitradurga Taluka through counselling within three weeks, thereafter.

5. The applicant shall be entitled to pay and emoluments from the date she was transferred from the post earlier held by her in Thippareddynagar Government Lower Primary School until she is posted in accordance with this order which shall be ensured by the fourth respondent within two months from the date of this order, the period when she was relieved from the Thippareddynagar school, till the date she was forced to take charge of the post at Punjarahatti Government Primary School, being treated as 'compulsory wait' period.

6. Also from the date of this order, until posted to Thippareddynagar Government Lower Primary School or to any school in Chitradurga taluka in the time frame specified in this order supra, the applicant shall be considered to be on 'compulsory wait' for posting and salary and emoluments shall be ensured by the fourth respondent.

2. Brief facts of the case are that respondent is working as Assistant Teacher in Department of Education, at Chitradurga Taluk and District. While respondent was working as Assistant Teacher at Lower Primary school, Thippareddynagar, Chitradurga, she was transferred by Order dated 07.09.2019 to Pujarahatti, Molakalmuru taluk, Chitradurga District. The said order of transfer dated 07.09.2019 was the subject matter of



Application No.5790/2019 and the Tribunal by its order dated 22.10.2019, allowed the application, quashed the impugned order of transfer dated 07.09.2019. Subsequent to order dated 22.10.2019 in Application No.5790/2019, when the 4th respondent failed to give Respondent No.2 posting at Thippareddynagar, respondent was again before the Tribunal in Application Nos.1810 and 1833/2020. The Tribunal, by order dated 20.07.2021, disposed of the application as the 4th respondent by that time had issued endorsement dated 16.02.2021 (Anneuxre-A5). Under endorsement dated 16.02.2021, 4th respondent-DDPI instead of continuing the respondent at Government Lower Primary School, Thippareddynagar, Chitradurga district, directed the respondent to report to duty at Government Lower Primary School, Pujarahatti, Molakalmuru Taluk on the ground that respondent has not completed ten years of service in 'A' zone. The said endorsement was the subject matter of Application No.5998/2021 before the Tribunal.

3. The Tribunal, by order dated 20.01.2022 allowed the application of respondent and issued directions as culled out



above. Questioning the same, the authorities in the Education Department are before this Court in this writ petition.

4. We have heard the learned Additional Advocate General Sri.Ruben Jacob along with Sri.V.Shivareddy, Additional Government Advocate for petitioners and learned counsel Sri.Vijaya Raghava Sarathy.H.M, for respondent and perused the writ petition papers.

5. On hearing the writ petition and looking into the records along with sequence of events, we are of the considered view that the Tribunal is justified in coming to the conclusion that the 4th respondent, the then DDPI has committed *prima facie* contempt of the order of the Tribunal and directing the registration of *suo motu* case of contempt and the Tribunal is also justified in imposing cost of Rs.5,000/- on the 4th respondent.

6. The Tribunal, by order dated 22.10.2019 in Application No.5790/2019, quashed the order of transfer dated 07.09.2019 of respondent. Respondent has not challenged the said order of the Tribunal and without challenging the said order of the Tribunal, 4th respondent issued Annexure-A5/endorsement



dated 16.02.2021 directing the respondent to report to duty at Lower Primary School, Pujarahatti, Molakalmuru taluk, which posting is quashed by the Tribunal. The said action of the respondent/authorities *prima facie* amounts to contempt of the Tribunal order. When the Tribunal has quashed the Order of transfer of Respondent No.2 dated 07.09.2019 and when the said order is not challenged before the higher forum, 4th respondent had no other option, but to continue respondent at her earlier posting, i.e., at Government Lower Primary School, Thippareddynagar, Chitradurga District.

7. Today, learned Addl. Advocate General Sri.Ruben Jacob has filed a memo enclosing three documents. The first document is Official Memorandum dated 19.12.2024, order of posting of respondent to Government Lower Primary School, New Colony, G.R.Halli, Chitradurga taluk. Along with memo, show-cause notice dated 19.12.2024 to the then DDPI - Ravishankar Reddy.K and also to the present DDPI is enclosed.

8. Respondent-Smt.Nirmala.T is present before the Court and she is identified by learned counsel Sri.Vijaya Raghava Sarathy for respondent. Learned counsel Sri. Vijaya Raghava



Sarathy on instructions submits that the respondent, on getting herself relieved from the earlier school would report to duty at the place of posting on 23.12.2024.

9. Learned Addl. Advocate General Sri.Ruben Jacob for Respondent No.5 expressed his regret for the action of the Government Officials contrary to the directions of the Tribunal. Further, he submits that in terms of direction No.5 of the Tribunal, the period during which the respondent was not provided posting would be treated as 'compulsory waiting period' and she would be granted all the benefits.

10. The said submission of the learned Additional Advocate General is placed on record.

11. We direct Petitioner Nos.1 to 3 to take the show-cause notice issued to respondent No.4, the present and former, to its logical end and report the same to the Registrar General of this Court, within three months from today.

12. If the Petitioner Nos.1 to 3 fail to report compliance within three months as stated above, list this writ petition for further orders immediately thereafter.



13. This posting of the respondent in Official Memorandum dated 19.12.2024 would not preclude the respondent from participating in the next general counseling.

With the above observation, the Writ Petition stands ***disposed of.***

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

BNV
List No.: 1 Sl No.: 1
CT: BHK