



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 17TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 102968 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY,
M.S. BUILDING, BENGALURU-01.
 2. THE ADDITIONAL COMMISSIONER
DEPARTMENT OF SCHOOL EDUCATION,
RODDA ROAD, DHARWAD, DIST-DHARWAD 580001.
...PETITIONERS
- (BY SRI G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

MALLIKARJUN R. ALASE S/O RUDRANNA
AGED ABOUT 50 YEARS, OCC: LECTURE,
COLLEGE OF TEACHERS EDUCATION,
BELAGAVI 590001.
R/O. K.H.B. HERITAGE, GHATAPRABHA BLOCK,
H.NO.410 INDRAPRASTA NAGAR,
BELAGAVI, DIST. BELGAVI-590001.

...RESPONDENT

(NOTICE SERVED TO RESPONDENT)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS AND ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED.10-09-2024 IN A.NO.10724/2024, ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI VIDE ANNEXURE-C AND DISMISS A.NO.10724/2024 IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

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

The State Authorities in Department of School Education and Literacy are before this Court under Article 226 of the Constitution of India questioning the order dated 10.09.2024 in A.No.10724/2024 passed by the Karnataka State Administrative Tribunal, Belagavi whereunder, the Articles of charge dated 20.02.2024 and initiation of Department proceedings under GOB dated 20.04.2024 (Annexure-A7 and A9) are quashed solely on the ground that Rule 13 of KCS (CCA) Rules, 1957(for short CCA Rules) is not complied.

2. Heard learned Principal Government Advocate Sri.G.K.Hiregoudar for petitioners and perused the entire writ petition papers.



3. The respondent approached the Karnataka State Administrative Tribunal, Belagavi questioning the Articles of charge dated 20.02.2024, initiation of Departmental proceedings under Government Order dated 20.04.2024. It is submitted that the Articles of Charge were issued under Rule-11 and thereafter Enquiry Officer was appointed under Rule 11(13) R/W Rule 13 of CCA Rules to conduct joint enquiry. It was the main contention of the respondent that the procedure contemplated under Rule 13 of CCA Rules is not followed. The question raised in the present petition was considered by this Bench in Writ Petition No.107000/2024 and connected Writ Petitions disposed of on 03.11.2025 answering against the petitioners. Paragraph Nos.8, 9 and 11 reads as follows:

8. *Rule 13 of CCA Rules reads as follows:*

"13. Joint Inquiry. - (1) *Where two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order*



directing that disciplinary action against all of them may be taken in a common proceeding.

Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-rule (3) of rule 9 any such order shall specify –

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;*
- (ii) the penalties specified in rule 8 which such Disciplinary Authority shall be competent to impose; and*
- (iii) whether the procedure prescribed in rules 11 and 11A or rule 12 may be followed in the proceeding.”*

9. A reading of the above Rule makes it abundantly clear that when two or more government servants are involved in a case, the government or any other authority competent to



impose penalty may make an order directing that the disciplinary action against all of them may be taken in a common proceeding. In other words, the government shall have to pass an order directing disciplinary action against all government servants in a common proceeding, which would mean that initiation of enquiry itself shall be joint. It is settled position of law that enquiry is said to be initiated on issuance of Articles of Charge or the Charge Memo. Therefore, even before issuance of the charge memo, the Disciplinary Authority is required to pass an order under Rule 13 initiating joint inquiry. The order directing disciplinary action in a common proceeding shall specify the Disciplinary Authority in respect of all the government servants involved in the case and the procedure to be followed in such common proceedings as indicated in sub-Rule 2 of Rule 13 of the CCA Rules.

11. In the preamble of the Government Order at Annexure-A8, Rule 13 of the CCA Rules is referred. Mere referring of Rule 13 would not be sufficient. The Government Order shall indicate the criteria enumerated under Rule 13 of the CCA Rules. The Government Order dated 05.06.2017 cannot be considered as an order passed under



Rule 13 of CCA Rules. The contention that the respondents have not raised any objection and they have participated in the proceedings is unsustainable. It is settled position of law that if initiation or procedure followed itself is contrary to the Rules, the same cannot be held against the respondents. If the initiation of inquiry itself is bad, it vitiates the entire proceedings. "

4. The above decision would aptly apply to the facts of the present case. Following the decision dated 03.11.2025 in Writ Petition No.107000/2024, the present writ petition also stands rejected.

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

**Sd/-
(GEETHA K.B.)
JUDGE**