



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 107362 OF 2025 (S-KAT)

BETWEEN:

SRI VEERESH KUSHTAGI S/O ANDAPPA
AGED ABOUT 35 YEARS,
WORKING AS GRADUATE PRIMARY TEACHER,
GOVERNMENT HIGHER PRIMARY SCHOOL,
KALAKAPURA,
RON TALUK, GADAG DISTRICT,
R/O. GUDI ONI, NAREGAL, GADAG.

...PETITIONER

(BY SRI SHARANABASAVARAJ C., ADVOCATE)

AND:

1. THE COMMISSIONER
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY,
OFFICE OF THE COMMISSIONER OF
PUBLIC INSTRUCTIONS,
NRUPATUNGA ROAD, BENGALURU 560001.



2. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS (ADM) AND APPOINTING AUTHORITY OF GRADUATE PRIMARY TEACHER, DEPARTMENT OF SCHOOL EDUCATION, GADAG, GADAG DISTRICT-582101.
3. THE BLOCK EDUCATION OFFICER RON TALUK, GADAG DISTRICT-582209.

...RESPONDENTS

(BY SRI G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO, ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, QUASHING THE ORDER DATED. 30.06.2025 IN A.NO. 10301/2025 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI VIDE ANNEXURE-C IN SO FAR AS NOT PERMITTING THE PETITIONER FOR REINSTATEMENT INTO SERVICE IS CONCERNED.

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 petitioner is before this Court under Article 226 of Constitution of India questioning the order dated 30.06.2025 in Application No.10301/2025 on the file of Karnataka State Administrative Tribunal, Belagavi, by which, the petitioner's application questioning the order of cancellation of appointment under Official Memorandum dated 11.02.2025 is quashed directing the respondents to conduct enquiry by issuing charge memo. Further, it was observed that the reinstatement would depend on the outcome of the enquiry to be conducted.

2. Learned counsel for the petitioner at the outset would submit that the petitioner restricts his prayer in the present writ petition only to the portion of the order by which the Tribunal has refused to reinstate the petitioner into service.



3. The petitioner was appointed as Graduate Primary School Teacher under appointment order dated 14.12.2023 for the post meant for physically challenged persons. On his appointment, the respondents-authorities forwarded the certificate of disability of the petitioner along with certificates of other such candidates for verification under letter dated 13.06.2023 (Annexure-R1). It is noticed that the Medical Board at Karnataka Institute of Medical Sciences, Hubballi by report dated 09.11.2023 in respect of petitioner, opined that the petitioner suffers from bilateral hypermetropia with visual disability of 10%. Taking note of the fact that the petitioner suffered only 10% disability and whereas under PWD Act¹, 40% disability is the criteria to consider as PH candidate, the respondents/authorities passed impugned order canceling the appointment order under Official Memorandum dated 11.02.2025, which was the subject matter of Application No.10301/2025 before the

¹ The Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation), Act, 1995



Tribunal. The Tribunal, under impugned order, set-aside the order of cancellation of appointment, directing the respondents to conduct enquiry by issuing charge memo and refusing the prayer of the petitioner for reinstatement, on the ground that the reinstatement would depend on the outcome of the enquiry to be conducted.

4. Learned counsel Sri. Sharanabasavaraj C appearing for the petitioner would submit that the petitioner was earlier working in the same Department as Primary School Teacher for more than 10 years by claiming under Physically Challenged quota. When the petitioner has served for more than 10 years as Primary School Teacher under Physically Challenged quota, he submits that there was no necessity for the respondents to refer the case of the petitioner for verification of Physical Disability Certificate. Further, learned counsel would submit that in pursuance of order of the Tribunal, charge memo dated 26.9.2025 is already issued and the petitioner has responded to the said charge memo.



5. Per contra, learned Prl. Government Advocate Sri. G.K. Hiregoudar would support the order of the Tribunal and submits that reinstatement and consequential benefits would depend upon the outcome of the enquiry. He further submits that, whenever new appointment takes place, it is for the Department to verify the genuineness of the Caste Certificate and other certificates, such as Disability Certificate etc. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are of the considered view that the order under challenge passed by the Tribunal needs no interference at the hands of this Court for the following reasons:

7. Admittedly, the petitioner was appointed as Graduate Primary School Teacher under appointment letter dated 14.12.2023. Prior to the appointment, the petitioner, on his own, appeared before the Medical Board at Gadag



Institute of Medical Sciences, Gadag and obtained Disability Certificate, which indicated that the petitioner suffered disability to the extent of 45%. However, subsequent to appointment of the petitioner as Graduate Primary School Teacher along with others, when the matter was referred to Medical Board at KIMS by the Appointing Authority, Medical Board Certificate dated 9.11.2023 indicated that the petitioner suffers from Bilateral Hypermetropia with visual disability of 10%. Thereafter, the respondent/authority passed the impugned order of cancellation of appointment. The Tribunal on the ground that there was no proper enquiry and no opportunity was given to the petitioner, quashed the said cancellation of appointment order and directed to conduct proper enquiry refusing the reinstatement of the petitioner. We do not find any error in the said order.

8. Whenever a new appointment takes place, it is for the Department to get the certificates verified, such as Caste Certificate, Disability Certificate etc. We do not find



any fault in referring petitioner as well as the certificate of the petitioner to the Medical Board. In pursuance of the impugned order passed by the Tribunal, as submitted by the learned counsel for the petitioner, show-cause notice and charge memo is issued and the petitioner has already submitted his reply. Therefore, it would be appropriate for the petitioner to appear before the enquiry officer for further proceedings. The Tribunal in terms of decision of the Hon'ble Apex Court in the case of ***Chairman of Life Insurance Corporation of India & Others Vs. A. Masilamani***², observed that, when the enquiry is not properly conducted or no enquiry is conducted, it would be appropriate to direct the respondents/disciplinary authority to conduct fresh enquiry. We do not disagree with such finding. Always when the matter needs to be remanded to the disciplinary authority to conduct fresh enquiry or proceed from the stage where discrepancy is pointed out, reinstatement and consequential benefits would depend on

² 2013 (6) SCC 530



the outcome of such enquiry. We find no merit in the writ petition. Accordingly, the writ petition stands ***rejected.***

9. All contentions of the parties are kept open. With the co-operation of the petitioner, the enquiry officer shall conclude the enquiry within time fixed by the Tribunal.

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

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

HMB/JTR
LIST NO.: 1 SL NO.: 31