



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH 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.108542 OF 2025 (S-KAT)

BETWEEN:

SMT. MALATI,
D/O RAVINDRA KULKARNI,
AGE. 50 YEARS, OCC. TEACHER,
TQ. KAGWAD, DIST. BELAGAVI,
R/O KAGWAD, BELAGAVI-591223.

...PETITIONER

(BY SRI. RAGHAVENDRA GAYATRI, ADVOCATE FOR
SRI. SOURABH HEGDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY PRINCIPAL SECRETARY,
DEPARTMENT OF PERSONAL &
ADMINISTRATIVE REFORM,
(SERVICE RULES-1) ROOM NO.1,
VIDHAN SOUDHA,
BENGALURU-560001.
2. THE COMMISSIONER,
DEPARTMENT OF SCHOOL EDUCATION,
RODDA ROAD,
DHARWAD-580001.

CHANDRASHEKAR
LAXMAN
KATTIMANI

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



3. THE JOINT COMMISSIONER
(ADMINISTRATIVE),
DEPARTMENT OF SCHOOL
EDUCATION,
BELAGAVI-590001.
4. THE DEPUTY DIRECTOR OF
DEPARTMENT OF SCHOOL EDUCATION,
CHIKKODI-591201.
5. BLOCK EDUCATION OFFICER,
KAGWAD,
TAL. KAGWAD,
DIST. BELAGAVI-591223.
6. THE HEAD MASTER,
GOVERNMENT KANNADA/
URDU HIGH SCHOOL,
SHIRAGUPPI,
TQ. KAGWAD-591223.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR R1-R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO, SET ASIDE THE INTERIM ORDER PASSED BY THE KSAT, BELAGAVI DATED 07.11.2025, IN A.NO.11176/2025 VIDE ANNEXURE-B AND CONSEQUENTLY STAYING THE IMPUGNED ORDERS PASSED BY RESPONDENT NO.4 BEARING NO. ಸಿ2/ಸಪ್ರಶಾಶಿ/ಕಾ-ಹಂ/22/2025-26/2712 DATED 03.11.2025 AS THE SAME WAS NOT COMMUNICATED TO THE PETITIONER AND THE COMMUNICATION STYLED AS MEMORANDUM BEARING NO. ಸಪ್ರಶಾಶಿ/ಎಮಾಆರಕು/ತಾಕಾಹಂ/ಬಿಮಾಕು/2025-26/92 DATED 04.11.2025 (VIDE ANNEXURE-A1) DATED 04.11.2025 PASSED BY RESPONDENT NO. 6 & ETC.



THIS WRIT PETITION COMING ON FOR ORDERS,
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)

This writ petition is directed against the order dated 07.11.2025 passed in Application No.11176/2025 by the Karnataka State Administrative Tribunal, Belagavi Bench (for short, 'the Tribunal'), whereby the Tribunal refused to grant an interim order staying the memorandum dated 04.11.2025 (Annexure-A1).

2. Heard Sri. Raghavendra Gayatri, learned counsel for Sri. Sourab Hegde, learned counsel appearing for the petitioner, and Sri. G.K.Hiregoudar, learned Principal Government Advocate. Perused the entire writ petition papers.

3. The petitioner is working as an Assistant High School Teacher. The petitioner was, initially, appointed in the year 2003. It is stated that, on 28.04.2019, the petitioner met



with an accident which resulted in 55% locomotor disability to the petitioner.

4. The learned counsel placed reliance on Annexure-A2, the disability certificate, to claim the benefits available to disabled persons. The learned counsel for the petitioner would submit that, questioning the memorandum dated 04.11.2025 (Annexure-A1) issued by respondent No.6 based on the order of respondent No.4 dated 03.11.2025, the petitioner has been deputed for three months to a school at Kagwad. The learned counsel for the petitioner would submit that since the petitioner is a disabled person, the respondents could not have transferred or deputed the petitioner to a different school, in violation of the circular issued by the State Government as far as the disabled persons are concerned. Learned counsel would further submit that the Tribunal, without taking note of the fact that the petitioner is a physically challenged person and that the petitioner could not have been temporarily deputed for a period of three months to a different school, refused to grant the interim prayer made by the petitioner to stay the memorandum dated 04.11.2025 (Annexure-A1). It is the



contention of the learned counsel for the petitioner that once the certificate of disability is issued by the Central Government, unless the same is cancelled, the petitioner cannot be deprived of the benefit available to a physically challenged person.

5. This Court, taking note of the contention of the petitioner, by order dated 17.11.2025, granted stay of Annexure-A1 dated 04.11.2025, and further, by order dated 19.11.2025, directed the petitioner to appear before the Medical Board of Belagavi Institute of Medical Sciences (BIMS) Hospital on 21.11.2025 at 11.00 a.m., and requested the Medical Board to examine as to whether the petitioner suffers locomotor disability of more than 40% and to submit a report to this Court. The Medical Board of BIMS, by its covering letter dated 21.11.2025, has forwarded the Report of the Medical Board which indicates that the petitioner has **"NIL LOCOMOTOR DISABILITY"**.

6. Learned Principal Government Advocate, on the other hand, opposes the prayer of the petitioner by submitting that a person, whose claim is false, would not be entitled to



any benefit. Learned Principal Government Advocate would submit that the petitioner was included/appointed under general quota and subsequently, when she met with an accident, stating that she has suffered more than 55% locomotor disability, based on Annexure-A2 – disability certificate, the petitioner is claiming benefit available to the physically challenged persons. Learned Principal Government Advocate, based on the present Medical Board Report, submits that the petitioner would not be entitled to any benefit as a physically challenged person. Thus, he would pray for dismissal of the writ petition.

7. This writ petition is directed against refusal to grant interim order on 07.11.2025 in Application No.11176/2025 by the Karnataka State Administrative Tribunal, Belagavi. The petitioner questioned the impugned order on the ground that Annexure-A1 – memorandum of deputation dated 04.11.2025 is in violation of the rules of deputation and on the ground that the said deputation is contrary to the order passed by a Co-ordinate Bench of this Court passed in W.P. No.102494/2022 dated 31.08.2023. Whether the memorandum of deputation



dated 04.11.2025 (Annexure-A1) is opposed to deputation rules or not is yet to be considered by the Tribunal and it is for the Tribunal to consider the said contention. Any finding by this Court on the said question, at this stage, would make the application before the Tribunal infructuous.

8. With regard to the contention that the deputation order is opposed to the order dated 31.08.2023 passed in W.P. No.102494/2022, it is seen that the Co-ordinate Bench proceeded to pass the order taking note of Annexure-A2 – disability certificate where it is indicated that the petitioner is suffering from 55% locomotor disability. The present report of the Medical Board of BIMS, dated 21.11.2025, reads as follows:

*"As per clinical examination, radiograph, nerve conduction study and neuro physician opinion, the patient appears to have **NIL LOCOMOTOR DISABILITY.**"*

When above is the opinion of the Medical Board, the petitioner would not be entitled for the benefit available to physically challenged persons. It is to be noted that, at the time of joining service, the petitioner was not a disabled person and



she was not appointed under the quota reserved for disabled person. The petitioner is claiming disability benefit subsequently after she met with an accident on 28.04.2019. Since the petitioner was not a disabled person by birth and is claiming disability only subsequent to the accident which she suffered, the contention that, unless the disability certificate is cancelled the benefit available to a disabled person cannot be denied to the petitioner is not acceptable. When a person suffers disability due to an accident, there would always be an improvement upon treatment as well as by passage of time. In the above circumstances, in terms of the Medical Board Report, the petitioner would not be entitled to claim benefit as a disabled person.

9. This Court, by order dated 17.11.2025, taking note of the contention that the petitioner was a physically disabled person granted interim order of stay of Annexure-A1 dated 04.11.2025. However, the Report of the Medical Board, BIMS, makes it clear that the petitioner suffers from "**NIL LOCOMOTOR DISABILITY**". Hence, we are not inclined to



continue the said interim order. Accordingly, the said interim order dated 17.11.2025 stands dissolved.

10. As we do not find any merit in the writ petition, the writ petition stands rejected.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

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

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