



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.110004 OF 2025 (S-KAT)

BETWEEN:

SRI. PARSAPPA H S/O SRI. GALEMMA
AGE. 43 YEARS, OCC. ASST. PROFESSOR,
SAYT GOVERNMENT FIRST GRADE COLLEGE,
KUDLIGI, KUGLIGI TQ., VIJAYNAGAR DIST. 583125.
R/O REVENNASIDDESHWARA, OPP TO DEVI MEDICALS,
KAPPAGAL ROAD, BELLARI-583117.

...PETITIONER

(BY SRI. DESAI SUNIL SHANTAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS SECRETARY,
DEPARTMENT OF EDUCATION (COLLEGIATE),
M.S. BUILDING, BENGALURU-560001.
2. THE COMMISSIONER OF COLLEGIATE EDUCATION,
SHESHADRI ROAD, BENGALURU-560001.

...RESPONDENTS

(BY SMT. NANDINI B. SOMAPUR, AGA FOR R1-R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 19/12/2025 PASSED BY HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.10863/2025 VIDE ANNEXURE-D, IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WRIT PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI)

Challenging order dated 19.12.2025 passed on interim prayer in Application No.10863/2025 vide Annexure-D, this writ petition is filed.

2. Learned counsel for petitioner, Sri Sunil Desai, submitted that while petitioner was working as an Assistant Professor in SAVT Government First Grade College in pursuance of a complaint filed by one of his students, petitioner was issued with order of suspension dated 16.07.2025 at Annexure-A3 passed by Commissioner of Collegiate Technical Education-respondent no.2. Challenging order of Suspension, petitioner herein filed application at Annexure-A before Karnataka State Administrative Tribunal. In said application, petitioner had sought for interim prayer. The Tribunal had initially deferred consideration of interim prayer till appearance of respondents.

3. Thereafter, respondent-State entered appearance and filed objections to main application. It was submitted



petitioner had filed an application for production of additional documents on 09.11.2025. In said application, petitioner had taken a specific contention that petitioner being a Group-A Officer, order of suspension could be passed only with prior approval of Chief Minister as per Rule 36 of Karnataka Government Transaction of Business Rules, 1977 (for short 'the Rules') and relied on decisions passed under similar circumstances. In this writ petition, it is stated, though such specific contention was urged, it were not traversed by Tribunal, while passing impugned order, rejecting interim prayer. Therefore seeks indulgence.

4. Learned AGA-Smt.Nandini B. Somapur, appearing for respondent-State on advance notice, sought to rely on Rule 10(1)(d) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 to contend that an order of suspension passed could be subjected to *post-facto* approval. It was further submitted that while passing order impugned, Tribunal had considered facts and circumstances and taking note of fact that misconduct alleged against petitioner was misbehavior with a



student, Tribunal was justified in refusing interim prayer and sought for dismissal of petition.

5. Heard learned counsel for parties and perused impugned order.

6. Perusal of application at Annexure-A and interim application at Annexure-C reveal specific contention about order of suspension being passed in violation of Rule 36 of Rules was taken only in application for additional documents. It is also seen from order sheet of Tribunal proceedings that respondent-State has not filed objections to interim application despite being provided sufficient opportunity. To substantiate submission, our attention is also drawn to endorsement issued by respondent no.2 dated 19.09.2025 (though in context of rejecting an application for furnishing of documents) that there was no post *facto* approval of order of suspension by Government and insofar as Group-A officers, Government was disciplinary authority. Said submission would *prima facie* fall in line with petitioner's contention and respondent-State would be required to traverse such specific contention as it would go to root of matter.



7. At same time, one of reasons assigned for impugned order was that there was no ground for grant of interim order 'at that stage'. If it is so, Tribunal would not be justified in rejecting interim prayer instead of deferring consideration of interim prayer.

8. Under above facts and circumstances, it is found appropriate to grant an ad-interim order of stay of suspension, by modifying impugned order, grant time to respondent-State to traverse contention about order of suspension being in violation of Rule 36 of Rules and also reserving liberty to Tribunal to proceed with consideration of main matter itself by maintaining interim order.

9. Accordingly, writ petition is **disposed of** by granting an *ad-interim* stay of order of suspension till Tribunal re-considers interim prayer in light of specific contention urged by petitioner and by granting respondent-State time till next date of hearing i.e. 19.01.2026 to file objections to contention about order of suspension being in violation of Rule 36 of Rules.



10. In view of disposal of petition, pending IAs No.1/2025 and 2/2025 do not survive for consideration and are disposed of.

**Sd/-
(RAVI V.HOSMANI)
JUDGE**

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