



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF SEPTEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD
WRIT PETITION NO.18287/2025 (S-DE)

BETWEEN:

1. MANJUNATH C.N.
S/O NANJUNDAIAH
AGED ABOUT 36 YEARS
OFFICE SUPERINTENDENT
KARNATAKA RESIDENTIAL EDUCATIONAL
INSTITUTION SOCIETY
NO 8, MSB- 1, 6TH AND 7TH FLOOR
CUNNINGHAM ROAD
BENGALURU - 52.

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HEMALATHA A
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. JAYAKUMAR S. PATIL, SR. ADV., FOR
SRI. SOMASEKHARA K.H. ADV.,)

AND:

1. THE PRINCIPAL SECRETARY
SOCIAL WELFARE DEPARTMENT
DR. B.R. AMBEDKAR VEEDHI
BENGALURU- 01.
2. THE EXECUTIVE DIRECTOR
KARNATAKA RESIDENTIAL EDUCATIONAL
INSTITUTION SOCIETY
NO 08, MSB- 1, 6TH AND 7TH FLOOR
CUNNINGHAM ROAD, BENGALURU - 52

...RESPONDENTS

(BY SRI. VIKAS R, AGA FOR R1
SRI. SRIDHAR PRABHU, ADV., FOR R2)



THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS WHICH ULTIMATELY RESULTED IN PASSING OF THE IMPUGNED ORDERS. QUASH THE ORDER DATED 21.06.2025 ISSUED BY THE R1 MADE IN NO. SAKE/141/MDS/2025 VIDE ANNEXURE -G & ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

In this writ petition, the petitioner has sought for the following relief/s:

- "a) *Call for records which ultimately resulted in passing of the impugned orders.*
- b) *Issue an order, direction or writ in the nature of writ of certiorari quashing the order dated 21.06.2025 issued by the 1st respondent made in No.SAKE/141/MDS/2025 vide Annexure-G.*
- c) *Pass such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case."*

2. Brief facts of the case are as follows:



The petitioner was initially appointed as a Computer Teacher at Kittur Rani Chennamma Residential School, Huliyaakatte, Magadi Taluk, Ramanagara District. He was thereafter deputed to the Karnataka Residential Educational Institutions Society as a Clerk. Subsequently, by order dated 19.07.2019, his post was merged as Office Superintendent in the 2nd respondent-Society.

3. While working as Superintendent, respondent No.1 received an anonymous complaint containing allegations against the petitioner. The said complaint was forwarded to respondent No.2 with a direction to hold an enquiry and furnish an opinion. Pursuant thereto, respondent No.2 issued a show cause notice dated 27.10.2023 (Annexure-D). The petitioner filed a detailed reply (Annexure-E) denying all allegations. After enquiry, respondent No.2 submitted a report dated 31.10.2023 (Annexure-F) holding that the allegations were baseless and that the complaint lacked particulars of the complainant. Accordingly, the matter was closed.



4. However, based on a subsequent news item telecasted on "Freedom TV" and certain publications in print media alleging misappropriation of funds in Murarji Desai Residential Schools, respondent No.1 issued the impugned order dated 21.06.2025 (Annexure-G) appointing an Enquiry Officer to enquire into the allegations. Aggrieved, the petitioner has approached this Court.

5. Learned Senior Counsel for the petitioner contended inter alia that:

(i) The complaint was anonymous and under Government Circulars dated 03.10.2019 and 05.03.2021 (Annexures-H & K), no enquiry can be initiated on anonymous complaints.

(ii) Respondent No.2, after detailed enquiry, has closed the complaint as baseless. Hence, reopening the issue after two years is unwarranted.



The newspaper and television reports did not name the petitioner specifically. Therefore, the impugned order is contrary to law and amounts to harassment.

6. Learned counsel for respondent No.2 submitted that the petitioner cannot be an aggrieved party at this stage since only an Enquiry Officer is appointed. Charges are yet to be framed and the petitioner will be given due opportunity. The order impugned is only a procedural step and not a finding of guilt.

7. Learned AGA for the State submitted that the writ petition is premature. The petitioner can raise his defence before the Enquiry Officer after charges are framed. Reliance was placed on the judgment of the Hon'ble Supreme Court in **Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28.**

8. I have heard the learned counsel for the parties and perused the records.



7. The petitioner is working as an Office Superintendent in the second respondent Society. The first respondent received an anonymous complaint against the petitioner. The first respondent written a letter, dated 25.10.2023 vide Annexure-C, seeking an independent opinion with regard to the allegations made against the petitioner from second respondent. In turn, the second respondent vide Annexure-D dated 27.10.2023 has issued a show cause notice to the petitioner seeking an explanation.

8. The allegation against the petitioner is that, while he was working as an Office Superintendent, when he was clearing the bill in respect of the work order, he was demanding 1.5% to 3% commission from the Contractors and he was also demanding the money from the contractor and the public in the name of the Minister and the Principal Secretary. Pursuant to the notice, the petitioner has given a detailed reply, denying all the allegations. Thereafter, the second respondent submitted



a report dated 31.10.2023 vide Annexure F, stating that all the allegations the second made against the petitioner are far from truth, respondent's office has not received any complaint against the petitioner. Therefore, he submitted a report to close the complaint as per the Circular issued by the Government vide Annexure-H, which directs all the departments in the State, not to initiate any departmental enquiry, on the basis of the anonymous complaint. Therefore, the respondents have not proceeded further on the basis of the anonymous complaint.

9. When things stood thus, in the year 2025, in the print and in electronic media, news appears that, there is a large scale misappropriation in Murarji Desai residential schools and hostel. In the electronic media, there is reference of the petitioner, as well as the department, regarding misappropriation of the funds. The second respondent has also produced the pen-drive of the recordings of the electronic media, along with a memo and



also stated in the statement of objections that on the basis of the news report both in print media as well as in electronic media, the Principal Secretary – respondent No.1 has initiated the departmental enquiry. In the note sheet of the records produced by him, even though the concerned minister has reported saying that the enquiry against the petitioner can be dropped, since the allegation against the petitioner were very serious in nature, the first respondent is the disciplinary authority, he has issued the impugned order vide Annexure-G, whereby he has appointed the enquiry officer. The impugned order is only an initiation of the departmental enquiry. So far, it is not concluded that the allegations made against the petitioner are proved. After appointing an enquiry officer, the disciplinary authority will frame the charges and the charges will be served to the petitioner along with all the relevant records seeking for his explanation. Thereafter, the disciplinary authority will take a decision whether to proceed with the matter or drop the enquiry proceedings.



At this stage, it is premature to decide to quash the enquiry proceedings.

10. It is not in dispute that the impugned Annexure– G is only an order appointing an Enquiry Officer. No charges have yet been framed. The disciplinary authority has not recorded any finding against the petitioner. The law is well settled that writ petitions ordinarily should not be entertained against a mere show cause notice or charge-sheet.

11. The Hon'ble Supreme Court in **Kunisetty Satyanarayana (supra)** has held that:

"Ordinarily a writ petition should not be entertained against a mere show cause notice or charge-sheet as at that stage, the writ petition may be premature. A mere charge-sheet or show cause notice does not amount to an adverse order. It is possible that the authority may, after considering the reply, drop the proceedings. It is only when a final order imposing punishment or otherwise adversely affecting a party is passed that a cause of action arises."



12. Applying the above principle, I am of the opinion that at this stage the writ petition is premature. The petitioner is at liberty to file his reply and raise all objections before the Enquiry Officer and the Disciplinary Authority. If any adverse order is passed thereafter, it is always open to him to challenge the same in accordance with law.

13. Hence, the following order:

The writ petition is dismissed as premature.

All contentions of the petitioner are left open to be urged before the Enquiry Officer/Disciplinary Authority.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE