



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 32786 OF 2024 (S-KSAT)

BETWEEN:

SRI. G. NANJEGOWDA
S/O LATE GIRIYAPPA
AGED ABOUT 59 YEARS
SDA, AT THE OFFICE OF
PRINCIPAL DISTRICT INSTITUTE OF
EDUCATION AND TRAINING
BANGALORE URBAN DISTRICT
NO.19, MAIN ROAD, 16TH CROSS
RAJARAJESHWARI NAGARA
BANGALORE-560 098
(UNDER THE ORDER OF DISMISSAL)

RESIDING AT NO.54, SAIPRIYA LAYOUT
JANAPRIYA DIVISION, KADABAGERE
BANGALORE NORTH TALUK, BANGALORE-562 130

...PETITIONER

(BY SRI. M. BABU RAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
EDUCATION DEPARTMENT
(SCHOOL EDUCATION AND LITERACY)
M.S.BUILDING, DR.B.R. AMBEDKAR VEEDHI
BANGALORE-560 001.
2. THE COMMISSIONER OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD, BANGALORE-560 001



3. THE JOINT DIRECTOR OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD
BANGALORE-560 001

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI AND SET ASIDE THE ORDER DATED 25.10.2024 IN A. No. 859/2024 VIDE ANNEXURE-A PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AND ALLOW THE A.No. 859/2024, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner, a civil servant, is before the Writ Court, complaining against the State Administrative Tribunal's order dated 25.10.2024, whereby his Application No.859/2024 has been negatived. In the said application, he had laid a challenge to his dismissal order dated 18.11.2023.

2. Learned counsel appearing for the petitioner vehemently argues that even Rule 14 of KCS (CCA) Rules,



1957, does not provide for automatic dismissal from service when a Civil Servant is convicted on a charge in a criminal trial. Learned AGA appearing for the respondents controverts the position, drawing attention of the Court to the text of said Rule. He makes submission in justification of the impugned order and the reasons on which it has been constructed.

3. Having heard the learned counsel for the parties and having perused the petition papers, we decline indulgence in the matter inasmuch as admittedly Petitioner has been convicted by learned JMFC Magadi in C.C.No.279/2001 for the offences punishable u/s.143, 147, 148, 326, 324, 427 & 506 r/w Sec.149 of IPC. Further he has been sentenced to undergo a Simple Imprisonment for a period of two years. Even Criminal Appeal No.10/2011 has been dismissed on 18.04.2016. Therefore Petitioner has been dismissed from service.

4. The dismissal from service on the ground of conviction & sentence in a criminal case involving moral



turpitude cannot be faltered inasmuch as Rule 14 of 1957 Rules which is as clear as Gangetic Waters and it reads as under:

"14. Special procedure in certain cases, -

Notwithstanding anything contained in [rules 11 to 13]

(i) Where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge;

(ii)

(iii),

the Disciplinary Authority may pass such orders thereon as it deems fit;

Provided that the Commission shall be consulted before passing such an order in any case for which such consultation is necessary."

The expression 'the Disciplinary Authority may' in the circumstances should be construed as 'must'. A person convicted for a serious offence is not desirable in public service. The offence committed has no nexus to the official duties or conditions of service, is too poor a justification to retain the convict in public service. It goes without saying that if conviction in a criminal case is a bar to public appointment, *ipso facto* it is a ground for the removal from service. An argument to the contrary would strike at the root of reason & logic.



5. The vehement submission of learned counsel for the petitioner that, despite conviction & sentence, petitioner ought to have been given an opportunity to explain the circumstances that led to the same, does not fit into the scheme of Rules. If a civil servant is acquitted in a criminal case, still he can be subjected to disciplinary enquiry. However, ordinarily there is no need to hold disciplinary enquiry when conviction has been entered after the trial for an offence involving moral turpitude. The subject Rule does not need sentencing at all, conviction *per se* being its focal point.

In the above circumstances, the petition being devoid of merits is liable to be and accordingly rejected.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

AM/Snb
List No.: 1 Sl No.: 6