



CNR: KAHC010070352026

NC: 2026:KHC:40028
WP No. 4149 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 4149 OF 2026 (S-RES)

BETWEEN:

SRI.SHANKAR N.S.,
S/O. SUBBARAYAPPA,
AGED ABOUT 37 YEARS,
NARASIMANAHALLI,
TUBGERE POST AND HOBLI,
DODDABALLAPURA,
BENGALURU RURAL,
KARNATAKA - 561 203.

...PETITIONER

(BY SRI. SUJAY H.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE (MEDICAL EDUCATION),
MS BUILDING, 6TH FLOOR,
DR. B.R AMBEDKAR VEEDI,
BENGALURU - 560 001.
2. THE BANGALORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE,
(AN AUTONOMOUS INSTITUTION
GOVT. OF KARNATAKA),
K.R. ROAD FORT,

Digitally signed
by KIRAN
KUMAR R
Location:
HIGH COURT
OF
KARNATAKA



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BENGALURU - 560 002.
REPRESENTED BY ITS
DIRECTOR AND DEAN.

3. THE DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS
(SERVICE RULE 2),
VIDHANA SOUDHA,
BANGALORE - 560 001,
REPRESENTED BY ITS
PRINCIPLE SECRETARY.

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 AND R3;
SRI.MOHAMMED AYUB ALI, ADVOCATE FOR R2;
SRI.BASAVARAJ PATIL, ADVOCATE FOR R2)
(VK FILED NOC NOT OBTAINED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION IN THE NATURE THEREOF, COMMANDING THE RESPONDENT BANGALORE MEDICAL COLLEGE AND RESEARCH INSTITUTE (BMCRI), TO FORTHWITH REINSTATE THE PETITIONER TO THEIR ERSTWHILE POSITIONS AS STAFF NURSE, WITH ALL CONSEQUENTIAL BENEFITS TO THEM FROM THE DATE OF THEIR WRONGFUL TERMINATION TILL THE DATE OF THEIR REINSTATEMENT CONSIDERING THE RECOMMENDATION DATED 05.05.2022 VIDE ANNEXURE-F AND ALSO IN THE ORDER PASSED IN W P NO.3405-3431/2015 DATED 25/2/19 VIDE ANNEXURE - B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



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ORAL ORDER

1. The petitioner filed this writ petition seeking following prayer:

- (1) Issue a writ of mandamus, or any other appropriate writ, order, or direction in the nature thereof, commanding the respondent-Bangalore Medical College and Research Institute (BMCRI), to forthwith reinstate the petitioner to their erstwhile positions as staff Nurse, with all consequential benefits to them from the date of their wrongful termination till the date of their reinstatement considering the recommendation dated 05.05.2022 vide Annexure-F and also in the order passed in W.P.No.3405-3431/2015 dated 25.02.2019 vide Annexure-B.*
- (2) Issue a writ of mandamus directing the respondents to consider the representation dated 24.04.2025 as per Annexure-L3*
- (3) Pass any other order(s) that this Hon'ble Court may deem fit and proper in the interests of justice, equity and good conscience.*



CNR: KAHC010070352026

2. Brief facts leading rise to the filing of this petition are as follows:
3. The petitioner was terminated from service. The petitioner and others approached this court in W.P.Nos. 3405-3431 of 2015 and connected matters. The Co-ordinate Bench of this Court vide order dated 25.02.2019 disposed of the said petitions directing the respondent No.2 to keep 102 posts reserved for the petitioners therein, shall continue till the case of the petitioners are treated in terms of the directions given above. Even otherwise, further vacancies would have occurred and therefore the interest of the other petitioners i.e., 67 of them who did not have the benefit of interim order shall also be considered by the respondent No.2 before they proceed to issue a fresh notification. The petitioner by way of mandamus is trying to execute the order passed in the aforesaid writ petitions. Hence, prays to allow the writ petition.



CNR: KAHC010070352026

4. Heard the learned counsel for the petitioner and learned Government Advocate.
5. Learned counsel for the petitioner submits that the petitioner is implementing the order passed in the aforesaid writ petitions, and therefore prays for a direction to the respondents to execute the order passed in the aforesaid writ petitions.
6. *Per contra*, learned Government Advocate submits that there are serious allegations against the petitioner. He submits that if the order has been disobeyed, the petitioner has got an efficacious remedy by way of a contempt petition. The petitioner filed this writ petition without exhausting an efficacious remedy. Hence, he prays to dismiss the petition.
7. Perused the records, and considered the submissions of the learned counsel for the parties.
8. It is an undisputed fact that the petitioners approached this court in the aforesaid writ petitions, and the said



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writ petitions came to be disposed of vide order dated 25.02.2019. If the respondents have disobeyed the order passed by this court in the aforesaid writ petitions, the petitioner could have filed a contempt petition. However, the petitioner has filed this petition seeking a *mandamus* to implement or execute the order passed in the aforesaid writ petitions. Hence, the writ petition filed by the petitioner is not maintainable.

9. Accordingly, I proceed to pass the following order:

ORDER

- i. The writ petition is ***dismissed***.
- ii. Liberty is reserved to the petitioner to file a contempt petition, if so desired.
- iii. Pending IA(s), if any, stands disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SKS