



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 4798 OF 2022 (S-RES)

BETWEEN:

SRI M R RAMESH
S/O LATE M.P RADHAKRISHNAIAH SETTY
AGED ABOUT 65 YEARS
R/AT NO. K139, UPSTAIRS
I BLOCK, RAJAJINAGAR
BENGALURU 560010

...PETITIONER

(BY SRI. M R RAMESH, PETITIONER-PARTY IN PERSON)

AND:

THE MANAGEMENT OF PANCHAJANYA
VIDYA PEETA WELFARE TRUST (REGD)
REP. BY ITS SECRETARY
DR. A.I.T CAMPUS
MALLATHAHALLI
BENGALURU 560056

...RESPONDENT

(BY SRI. HARISH H V., ADVOCATE)

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR RECORDS FROM THE COURT OF THE III ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH.NO.25) IN MA (EAT) NO.10/2004. ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER TO QUASH ORDER DATED 12.03.2019 INCLUDING DECREE DATED 16.03.2019 PASSED IN M.A.(EAT) NO.10/2004 BY THE COURT OF III ADDL. CITY CIVIL AND SESSION JUDGE, BENGALURU CITY (CCH No.25) WHICH IS PRODUCED AS ANNEXURE-A AND SET ASIDE THE REMOVAL ORDER REFERENCE No.PVPWET/182/2003-04 DATED 10.03.2024 IS PRODUCED AS ANNEXURE-E AND NOTICE LETTER DATED 16.3.2004 PRODUCED AS ANNEXURE-F AND DIRECT THE MANAGEMENT TO REINSTATE APPELLANT IN SERVICE WITH ALL CONSEQUENTIAL BENEFITS LIKE SENIORITY PROMOTIONS EL ENCASHMENT, CONTINUE OF SERVICE HOD ETC. INCLUDING ARREARS OF SALARY AND ALL OTHER MONETARY BENEFITS ALONG WITH 18 PERCENT INTEREST ON ARREARS OF SALARY AND ALL MONETARY BENEFITS AND COMPENSATION OF RS.1.5 CRORES FOR MENTAL AGONY, ACADEMIC LOSS (HIGHER STUDIES LIKE M.PHIL, P.HD ETC) AND MADE ME TO WORK UNDER INELIGIBLE JUNIORS AND LOSS MY FAMILY AND SOCIAL LIFE AND LOSS OF PHYSICAL HEALTH AND PEACE OF MIND AND LOSS OF CAREER AD LOST MY MOTHER DUE TO LACK OF FUNDS TO PROVIDE PROPER AND BEST AVAILABLE TREATMENT IN INDIA AS WELL AS IN ABROAD TO HER MEDICAL TREATMENT.

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

ORAL ORDER

The petitioner filed this writ petition challenging the judgment dated 12.03.2019 passed in M.A.(EAT) No.10/2004 by the learned III Additional City Civil and Sessions Judge, Bengaluru City (CCH-25).

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioner initially appointed as Part time lecturer. The petitioner was regularly appointed on 05.08.1982 in clear and permanent vacancy on regular pay scale of Rs.700-40-1100-50-1600 with usual allowances as lecturer in mathematics vide order dated 04.08.1982. The petitioner was terminated from service with the effect from 02.07.1990 without conducting any departmental enquiry. The order of termination was challenged by the petitioner in appeal in M.A.(EAT)



No.29/1991. The Educational Appellate Tribunal vide judgment dated 19.03.1994 set aside the order of termination and directed the respondent to reinstate the petitioner into service with all consequential benefits including the arrears of salary. The salary should not be paid for 232 days during that period. The petitioner was reinstated and the respondent did not extend the consequential benefits to the petitioner as per the judgment passed by the EAT in M.A(EAT) No.29/1991. Thereafter, the respondent has decided to hold an enquiry against the petitioner under Rule 17(2) of Karnataka Private Educational Institution (D & C) Rules, 1978 by issuing the charge sheet to the petitioner consisting of five charges. The petitioner submitted a reply to the charge memo denying the allegations made against the petitioner. The petitioner made a request to halt or stall the enquiry proceedings. The Enquiry Committee did not stall the proceedings. The Enquiry Committee after full-fledged enquiry submitted a report expressing the opinion that the



charges levelled against the petitioner is proved. The respondent issued second show cause notice along with an enquiry. The petitioner did not reply to the second show cause notice. The disciplinary authority, on the basis of report submitted by the enquiry committee, has passed an order for removal from service vide order dated 10.03.2004. The petitioner, aggrieved by the order of punishment, preferred an appeal in M.A.(EAT) No.10/2004. The petitioner examined himself as PW.1 and marked 39 documents as Exs.P1 to P39. The representative of the respondent management examined Sri V.Shivarajaiah as RW.1 and got marked 38 documents as Exs.R1 to R38. The trial Court, after recording the evidence, hearing both sides, assessing the verbal and documentary evidence, dismissed the appeal vide judgment dated 12.03.2019. The petitioner/party-in-person, aggrieved by the judgment dated 12.03.2019 passed in M.A.(EAT) No.10/2004, filed this writ petition.



3. Heard the arguments of the petitioner/party-in-person and also learned counsel for the respondent.

4. The petitioner/party-in-person submits that no opportunity was given by the enquiry officer to put forth his defence case. He submitted an application for furnishing the documents, and the respondent has not submitted the documents. He submits that the enquiry committee was not properly constituted, and the report submitted by the enquiry officer is in violation of principles of natural justice. He submits that he has to work under his juniors. He submits that the termination is without holding a lawful enquiry and it violates Article 21 of the Constitution of India. He submits that the procedure adopted must be just and fair and reasonable. He submits that the petitioner has right to defend and cross-examine the witnesses. He also submits that Rule 17 of the Karnataka Private Educational Institution (D and C) Rules, 1978 provides procedure for conducting an enquiry. He also



submits that denial of an opportunity to cross-examine amounts to serious violation of the principles of natural justice and enquiry becomes null and void and denial of cross-examination is strong ground to set aside the termination. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned counsel for the respondent submits that the respondent is a technical institution established with the approval of AICTE and the provisions of the Karnataka Act are not applicable. He submits that the charge sheet was issued to the petitioner along with enclosures and the enquiry committee was constituted and the enquiry officer submitted a report and opined that the charges levelled against the petitioner are proved. He submits that the petitioner has remained unauthorized absent and without the knowledge and written consent of the respondent is joined as a Lecturer in Christ College, Hosur Road, Bengaluru. He submits that once he joined,



he remained absent from service and several complaints were received from the students. Because of the complaints and vindictively, he did not obey the orders of the management and the petitioner did not actively participated in the enquiry even after giving sufficient opportunity. He submits that the Educational Appellate Tribunal considering the entire evidence on record has passed the impugned judgment. The impugned judgment passed by the Educational Appellate Tribunal is just and proper and do not call for any interference at the hands of this Court. Hence, on these grounds, he prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioner was working in the college of respondent since 1982. The petitioner remained unauthorizedly absence from 02.07.1990 and he was summarily removed from the



service with effect from the date through order dated 04.10.1990. The petitioner, aggrieved by the order dated 04.10.1990, approached the Educational Appellate Tribunal in M.A.(EAT).No.29/1991. The Tribunal allowed the appeal vide judgment dated 19.03.1994 on the ground that no enquiry was held and without holding an enquiry an order of punishment came to be passed and set aside the order dated 04.10.1990 and directed to reinstate the petitioner with all consequential benefits. Pursuant to the disposal of the appeal, a charge was issued on 09.12.1998 alleging 5 charges. He was asked to submit his explanation to the charge memo. The petitioner requested the respondent to furnish the documents and sought time to submit a reply.

8. The charges levelled against the petitioner have been extracted by the Educational Appellate Tribunal in para No.9, which reads as follows:

i. Charge of unauthorized absence.



- ii. The appellant had taken up another job of lecturer earlier to 2-7-1990 at Christ College, Hosur Road, Bengaluru-29 without prior permission.*
- iii. The appellant has threatened the students of his class and short of attendance and granting less mark in class tests with ulterior motive.*
- iv. The appellant is not punctual and regular in attending the college and the classes and often remains absent from attending the institution without prior sanction of leave or permission of Head of Department/Principal and further the appellant had the habit of tampering official records and attendance registers and other official records which amounts to misbehaviour and misconduct.*
- v. Appellant is disobeying the orders and instructions of the official superiors and authorities to the extent that the appellant has refused to accept the invigilation time table and invigilation allotment order issued by the Chief Superintendent.*

9. The respondent has constituted a disciplinary committee with comprising of two head of the department of the said college and third person under Rule 17(2) of KPEI Rules 1978. The petitioner did not raise any objections in regard to the constituting enquiry committee. The petitioner examined himself as PW.1 before the Educational Tribunal and he reiterated the appeal memo



averments in the examination-in-chief and produced 39 documents as Exs.P1 to P39. He categorically admitted before joining the Christ College, he did not obtain prior permission of the respondent management. It is also elicited in the course of cross-examination that the article of charges and enclosures were furnished to him and he was permitted to engage the Defence Assistant by name Srinivas. The enquiry committee passed an order appointing Defence Assistant. He has refused to come and assist the petitioner for his failure to pay his professional charges. Further, he also admitted in the course of cross-examination that, many students complained against him to the authorities and he has seen the copies of those complaints and they were furnished to him along with articles of charges and further admitted that even there were documents which contained the allegations against him regarding tampering of office documents. He also admits that after conclusion of enquiry, the final show cause notice was issued to him along with the enquiry



report and he was called upon to furnish his explanation and he did not furnish it. The management examined its representative as RW.1 and reiterated the averments made in the statement of objections and produced 38 documents, which clearly discloses that the respondent has issued a memo and articles of charges to the petitioner, show cause notice, enquiry report and order sheet of disciplinary enquiry committee and the complaint submitted by the students. The Educational Appellate Tribunal considering the entire evidence on record held that there is no reason to hold that the enquiry conducted by the respondent is liable to be interfered with or that it is not fair and proper. Consequently, the appeal has to fail and there is no point in holding that punishment imposed is disproportionate to his proved misconduct.

10. The scope of judicial review under Article 226 and 227 of the Constitution of India is strictly limited to the decision making process rather than merits of the



decision itself. The Courts do not act as appellate authority to re-evaluate evidence or substitute their own findings. The scope of interference by a writ Court as well as by the said tribunal in departmental enquiry has been well explained in the case of **THE HIGH COURT OF JUDICATURE AT BOMBAY THROU ITS REGISTRAR VS. SHASHIKANT S, PATIL AND ANR.** reported in **2000(1) SCC 416**. If the petitioner establishes that the enquiry is not fair and violation of the principles of nature justice, under such circumstances, this Court can interfere in the impugned order.

11. Admittedly, the petitioner having participated in the enquiry and having availed the assistance of Defence Assistant and also admitted that the charge memo and enclosures have furnished to him and the students have submitted a complaint against the petitioner. The judgment passed by the Education Appellate Tribunal is just and proper and do not find any grounds to interfere with the impugned judgment.



12. Accordingly, I proceed to pass the following:

ORDER

- i. The Writ Petition is ***dismissed***;
- ii. Pending application(s), if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB