



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 7539 OF 2024 (S-RES)

BETWEEN:

SHRI C. B. MANJUNATH,
S/O LATE BASAPPA,
AGED ABOUT 48 YEARS,
R/AT NO.900, 'LASYA',
VIJAYA KRISHNAPRASAD,
3RD CROSS, NAVAGRAHA PARK,
80TH FEET ROAD, SIRA GATE,
TUMAKRU – 572 101

PRESENTLY WORKING AS
TYPIST CUM CLERK,
KARNATAKA STATE OPEN UNIVERSITY,
REGIONAL CENTER,
TUMAKURU – 560 006

...PETITIONER

(BY SRI. SHARATH S. GOWDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION,
REP. BY ITS PRINCIPAL SECRETARY,
AMBEDKAR VEEDHI, M. S. BUILDING,
BENGALURU – 560 001
2. THE VICE CHANCELLOR
KARNATAKA STATE OPEN UNIVERSITY,
MUKTHAGANGOTHRI,
MYSURU – 570 006
3. THE REGISTRAR
KARNATAKA STATE OPEN UNIVERSITY,
MUKTHAGANGOTHRI,
MYSURU – 570 006



4. THE MANAGING COMMITTEE
REP. BY ITS PRESIDENT/THE VICE CHANCELLOR,
KARNATAKA STATE OPEN UNIVERSITY,
MUKTHAGANGOTHRI,
MYSURU – 570 006

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1;
SRI. SANTOSH S. NAGARALE, ADVOCATE FOR C/R3 & ALSO
FOR R3 TO R4)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD.
17.01.2024 PASSED IN KARAAMUVI/AAVI/SIBBANDI-2/565/2023-24
PASSED BY THE R-3 VIDE ANNEX-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

“a) Issue writ in the nature of Certiorari or any other appropriate Writ to quash the order dated 17.01.2024 passed in KARAAMUVI/AAVI/SIBBANDI-2/565/2023-24 passed by the 3rd Respondent vide Annexure-A.

b) Writ in the nature of Certiorari or any other appropriate Writ to quash the decision of the 4th Respondent, Managing Committee, Karnataka State Open University, dated 01.12.2023 vide Subject.No.175/03 in deciding to impose compulsory retirement on the petitioner by accepting the Enquiry Report dated 31.08.2023 submitted by the Enquiry Officer vide Annexure-B.



c) Grant such other relief this Hon'ble Court deem fit and proper in the facts and circumstances of the case."

2. Heard learned counsel for the petitioner, learned AGA for respondent No.1 and learned counsel for respondent Nos.2 to 4 and perused the material on record.

3. A perusal of the material on record will indicate that the Departmental Enquiry was conducted against the petitioner, which culminated in a Enquiry Report dated 31.08.2023, whereby the Enquiry Officer came to the conclusion that the charges against him were proved and forwarded the report to the Disciplinary Authority. The Disciplinary Authority took a decision to impose the major penalty/punishment of compulsory retirement vide order dated 01.12.2023 at Annexure-B, which was placed before the Registrar, who accepted the same and passed the subsequent impugned order dated 17.01.2024 by imposing the punishment of compulsory retirement against the petitioner under the Mysore University Employees (CCA) Statute Part III(5)(1)(viii). It is the grievance of the petitioner that after the receipt of Enquiry Report, it was essential for the respondents to furnish a copy of the Enquiry Report before deciding to impose the major penalty of punishment



of compulsory retirement as held by the Apex Court in the case of ***Union of India and others Vs. Mohd. Ramzan Khan – (1991) 1 SCC 588*** and failure on the part of the respondents to follow the said procedure would vitiate the impugned decision and order, which deserves to be quashed.

4. Per contra, learned AGA for respondent No.1 and learned counsel for respondent Nos.2 to 5 jointly submit that there is no merit in the petition and that the same is liable to be dismissed.

5. In the case of ***Union of India and others Vs. Mohd. Ramzan Khan – (1991) 1 SCC 588***, the Apex Court held as under:

“18. We make it clear that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires, and non-furnishing of the report would amount to violation of rules of natural justice and make the final order liable to challenge hereafter.”



6. The said judgment has been followed subsequently by the Apex Court in the case of ***State of Uttar Pradesh Vs. Ram Prakash Singh – 20205 INSC 555***, wherein the Apex Court held as under:

“50. These Constitution Bench decisions have stood the test of time. Without being overruled in any subsequent decision, the law continues to bind all Benches of lesser strength. Equally, it cannot be gainsaid that with the march of time and the progress made in the years since then, nuanced or refined approaches to applying natural justice principles may be necessary and appropriate in specific cases. There can be no quarrel with this approach. However, we find it difficult for us to be guided by the decisions insisting on application of the ‘prejudice’ principle in the wake of the aforesaid Constitution Bench decisions. Accepting such decisions of lesser strength would signal re-imposition of the legal regime pre-Mohd. Ramzan Khan (supra) when the employer was under no obligation to furnish the enquiry report. We are afraid, this could encourage mischievous employers to drain out its terminated employee by ensuring that copy of the enquiry report is not furnished.”

7. In the instant case, as rightly contented by the Learned counsel for the petitioner, the concerned respondent having not issued or furnished a copy of the Enquiry Report to the petitioner



before arriving at the decision of imposing major penalty of compulsory retirement and in the light of the principles laid down in the aforesaid judgments, I deem it just and appropriate to set aside the impugned orders at Annexure-A and B and remit the matter back for reconsideration afresh from the state of issuance of show-cause notice.

8. In the result, I pass the following:

ORDER

(i) The petition is **allowed**.

(ii) The impugned order at Annexure-A dated 17.01. 2024 passed by respondent No.3 and the impugned decision of respondent No.4 at Annexure-B dated 01.12.2023 are hereby set aside.

(iii) The matter is remitted back to the respondents for reconsideration afresh, from the stage of issuance of show-cause notice, in accordance with law, after providing reasonable and sufficient opportunity to the petitioner.

(v) It is made clear that though several contentions have been urged in the present petition, the same are not dealt with and liberty is reserved in favour of the petitioner to urge the same in a



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subsequent proceeding including approaching this Court
subsequently.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

BMC
List No.: 1 SI No.: 64