



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 9281 OF 2026 (S-RES)

BETWEEN:

DR. SHIVAJI JYOTHI,
AGED ABOUT 55 YEARS,
INCHARGE PRINCIPAL,
BBMP FIRST GRADE COLLEGE,
KASTURABHANAGARA,
BBMP (NOW GBA),
BENGALURU - 560 026.

PRESENTLY RESIDING AT
NO.129, I CROSS,
IST MAIN ROAD,
MAGADI MAIN ROAD,
TANGANATHPUR,
KAMAKSHI PALYA,
BENGALURU - 560 079.

Digitally
signed by
SUNITHA K S
Location:
HIGH COURT
OF
KARNATAKA

...PETITIONER

(BY SRI. PRATHEEP K.C., ADVOCATE FOR
SRI.SAMPATH KUMAR A V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF COLLEGIATE EDUCATION,
M.S BUILDING,
BENGALURU - 560 001.



REPRESENTED BY ITS
CHIEF SECRETARY.

2. THE CHIEF COMMISSIONER,
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE, N.R.SQUARE,
BENGALURU,
KARNATAKA - 560 002.
3. DEPUTY COMMISSIONER (ADMIN),
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE,
N.R.SQUARE,
BENGALURU,
KARNATAKA - 560 002.
4. SPECIAL COMMISSIONER (EDUCATION),
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE, N.R.SQUARE,
BENGALURU,
KARNATAKA - 560 002.
5. SENIOR ASSISTANT DIRECTOR OF
PUBLIC INSTRUCTION (EDUCATION),
DEPARTMENT OF COLLEGIATE EDUCATION,
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE, N.R.SQUARE,
BENGALURU,
KARNATAKA - 560 002.
6. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS, (EDUCATION),
DEPARTMENT OF COLLEGIATE EDUCATION,
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE,



N.R.SQUARE, BENGALURU,
KARNATAKA - 560 002.

...RESPONDENTS

(BY SMT.MAMATHA SHETTY, AGA FOR R1, R5 AND R6;
SRI.B.L.SANJEEV, ADVOCATE FOR R2 TO R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER DATED 10.03.2026 VIDE ORDER NO.
SANKE.B12(3) PR/E-204686/25-26 PASSED BY R-3 (ANNX-M)
AND ETC.,

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

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

ORAL ORDER

The petitioner filed this writ petition seeking the
following prayer:

- a) Issue writ in the nature of certiorari or any
other appropriate writ quashing the impugned
order dated 10.03.2026 vide order no. Sanke:
B12(3) PR/E-204686/25-26 passed by
respondent No.3 (Annexure-M);*
- b) Issue writ of mandamus directing the
respondents to reinstate the petitioner with all
consequential and other financial benefits.*



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

The petitioner was appointed as a Kannada lecturer in the respondent No.2 department on 30.08.2010 by the appointing authority. On 02.10.2024, the students of the said college lodged a complaint against the petitioner alleging that the petitioner being an in-charge principal has collected admission fee from the students, but not issuing receipt for the full amount which was actually collected by him. Further, respondent No.4 issued a show cause notice on the very same day i.e., on 09.10.2024 seeking explanation from the petitioner regarding the complaint received from the students. On 16.10.2024, the petitioner submitted a detailed reply to the show cause notice by enclosing the relevant documents with a plausible explanation. The respondent No.2 without even affording an opportunity of being heard, after lapse of 1 ½ year, all of a sudden suspended the petitioner from service with immediate effect in contravention with the principles



of natural justice vide impugned order dated 10.03.2026.
Hence, prays to allow the writ petition.

3. Respondents No.2 to 4 filed statement of objections, contending that the petitioner was working as in-charge principal at BBMP First Grade College, Kasturabanagar, and now under Bengaluru Central City Corporation. The students of the college and their parents submitted representations to the respondents informing that the petitioner had collected excess admission fees from the students; most of them belonging to scheduled caste and scheduled tribe etc. and the amount collected by the petitioner was in excess of the prescribed fees and thereby he made a wrongful gain for himself and caused financial loss to the students and their parents. On receipt of the representations, the respondents have issued a show cause notice on 09.10.2024, calling upon the petitioner to explain why action should not be taken. The petitioner has submitted a reply to the show cause notice. It is also contended that the petitioner has deposited a



sum of ₹1,16,361/- to the account of the college without any corresponding receipts to show the source of the said amount. It is contended that the petitioner has misappropriated the said amount. Further, the concerned authority has initiated disciplinary proceedings against the petitioner. The said disciplinary proceedings are pending before the inquiry officer and it is also contended that the Karnataka Lokayukta registered a complaint on the basis of the representations submitted by the students and their parents by a letter dated 02.02.2026. On the basis of the representations submitted by the parents as well as the students, respondent No.2 has passed an order of suspension. It is contended that the order of suspension passed by the respondent No.2 is in accordance with law and prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that the management has passed a resolution to accept the



fees of ₹500/-. The petitioner has collected based on the circular and collected ₹ 500/- from each student. There is no negligence or there is no misappropriation by the petitioner. He submits that the petitioner had deposited ₹1,16,000/- odd amount on the same day. He also submits that the petitioner has replied to the show cause notice and respondent No.2 while passing an order has not considered the contentions raised by the petitioner in the reply. The order of suspension passed by the respondent No.2 is with a *mala fide* intention and non-application of mind. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned counsel for respondents No.2 to 4 submits that on the basis of the complaint made by the students and their parents, proceedings has been initiated against the petitioner. He submits that the order of suspension issued by the competent authority and there are serious allegations made against the petitioner by the students and their parents. He also submits that the



Karnataka Lokayukta has already taken a cognizance of the representations submitted by the students and their parents. He also submits that the order of suspension is not a punishment. Hence, prays to dismiss the writ petition.

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

7. Admittedly, it is an undisputed fact that the petitioner was working as in-charge principal and the petitioner has collected an amount of ₹500/- from the students. Though the petitioner has placed a reliance on the circular, wherein the circular discloses that the petitioner was being authorized to collect ₹500/-, the students have lodged a complaint against the petitioner alleging that the petitioner had collected an excess amount from the students and their parents. On the basis of the representations submitted by the students and their parents, the respondent No.4 issued a show cause notice dated 09.10.2024 calling upon the petitioner to show



cause why action should not be taken. Immediately after receipt of show cause notice, the petitioner has deposited an amount of ₹1,16,000/-. If the petitioner has not misappropriated the amount of ₹1,16,000/- there was no occasion for the petitioner to deposit the said amount of ₹1,16,000/-. After having deposited ₹1,16,000/-, the petitioner himself has admitted that he has collected an excess amount from the students and accordingly has deposited the said amount.

8. The respondents No.2 to 4 submits that a disciplinary proceedings has been initiated against the petitioner. It is settled law that Court should not interfere with the order of suspension unless it is passed in a *mala fide* and without there being any prima facie evidence on record. At the cost of repetition, the petitioner has collected an amount of ₹500/- and a complaint was lodged by the students and their parents against the petitioner. The petitioner except pleading that the order has been passed with a *mala fide* intention, has not produced any



records to establish that the impugned order was passed with a *mala fide* intention.

9. Thus, in view of the propositions laid down by the Hon'ble Apex Court in cases of ***Union of India and others vs. Ashok Kumar Aggarwal***¹ and ***U.P. Rajya Krishi Utpadan Mandi Parishad and others vs. Sanjiv Rajan***², wherein the Hon'ble Apex Court held that 'the scope of judicial review is limited in the case of suspension. For the reasons of passing suspension order is an administrative nature and that suspension is not a punishment. Its only purpose is to forbid the employee to work in the office and it is in exclusive domain of the employer. Neither the Tribunal nor the Court can function as an appellate authority over the decision taken by the disciplinary authority.'

10. The respondents No.2 to 4 taking into consideration the gravity and the nature of allegation

¹ (2013) 16 SCC 147

² AIR Online 1993 SC 249



levelled against the petitioner and further on the application of mind has passed an order of suspension. Hence, I do not find any error in the impugned order.

11. Learned counsel for the petitioner submits that by virtue of Annexure-K, the petitioner has reported to respondents No.2 to 4.

12. From the perusal of the records produced by the petitioner, there is no reference about Annexure-K in any of the documents produced by the petitioner either in the reply notice. Hence in view of the same, the contention of the petitioner that the petitioner has informed respondents No.2 to 4 vide Annexure-K cannot be accepted.

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

ORDER

The writ petition is ***dismissed***.



NC: 2026:KHC:32643
WP No. 9281 of 2026

In view of the dismissal of the petition, pending
IA(s), if any, stands disposed of accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SKS